

EXHIBIT B

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

PRIME FLIGHT AVIATION SERVICES,
INC.,

Employer,

Case No. 29-RC-198504

And

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 32BJ,

Petitioner.

The above-entitled matter came on for hearing pursuant to Notice, before ERIN SCHAEFFER, Hearing Officer, at the National Labor Relations Board, Region 29, 2 Metro Tech Center, 5th Floor, Hearing Room 3, Brooklyn, New York, 11201, on Tuesday, May 23, 2017, at 9:00 a.m.

1 A P P E A R A N C E S

2

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14

15 On Behalf of the Petitioner:

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1 P R O C E E D I N G S

2 (Time Noted: 10:08 a.m.)

3 HEARING OFFICER SCHAEFFER: On the record.

4 This hearing will be in order. This is a formal hearing
5 in the matter of Prime Flight -- let me get the full name,
6 Prime Flight Aviation Services, Incorporated, Case Number
7 29-CA-198504 (sic), before the National Labor Relations Board.
8 The hearing officer appearing for the National Labor Relations
9 Board is Erin Schaeffer.

10 All parties have been informed of the procedures at formal
11 hearing before the Board by service of a description of
12 procedures in certification and decertification cases with a
13 notice of hearing. I have additional copies of this document
14 for distribution if any party wants more.

15 Will counsel please state their appearances for the
16 record, starting with the Petitioner?

17 MR. GARREN: Brent Garren, Deputy General Counsel, SEIU,
18 Local 32BJ.

19 MR. GOTTHEIL: Tom Gottheil, Law Fellow, SEIU, Local 32BJ.

20 HEARING OFFICER SCHAEFFER: And for the Employer?

21 MR. BIRCHFIELD: Frank Birchfield of Ogletree Deakins.

22 HEARING OFFICER SCHAEFFER: Thank you. Are there any
23 other appearances?

24 (No response.)

25 HEARING OFFICER SCHAEFFER: There are no other

1 appearances.

2 Are there any other persons, parties, or labor
3 organizations in the hearing room who are claiming an interest
4 in this hearing -- I'm sorry, in this proceeding?

5 (No response.)

6 HEARING OFFICER SCHAEFFER: Let the record reflect there
7 is no response.

8 I now propose to receive the formal papers. They have
9 been marked for identification as Board Exhibit 1(a) through
10 1(g) inclusive, Exhibit 1(g) being an index and description of
11 the entire exhibit.

12 (Board's B-1(a) to 1(g) identified.)

13 HEARING OFFICER SCHAEFFER: The exhibit has already been
14 shown to all parties. Are there any objections to receipt of
15 this exhibit in the record?

16 MR. GARREN: None.

17 MR. BIRCHFIELD: No objection.

18 HEARING OFFICER SCHAEFFER: Hearing no objection, the
19 formal papers are received in evidence as Board Exhibit 1.

20 (Board's B-1(a) to 1(g) received.)

21 HEARING OFFICER SCHAEFFER: Are there any motions to
22 intervene in these proceedings to be submitted to the hearing
23 officer for ruling by the regional director at this time?

24 (No response.)

25 HEARING OFFICER SCHAEFFER: The hearing officer hears no

1 response.

2 Are there any pre-hearing motions made by the parties --
3 okay, sorry. There were pre-hearing motions submitted by the
4 Employer in the form of a petition to revoke subpoena duces
5 tecum. The Petitioner responded. There has been some
6 production of documents, but we're going to table that for
7 right now and come back to it if necessary.

8 Are there any other pre-hearing motions to be made at this
9 time?

10 (No response.)

11 HEARING OFFICER SCHAEFFER: There is no further response.

12 The parties to this proceeding -- sorry, have been shown
13 the Employer statement of position which I have marked for
14 identification as Board Exhibit 2.

15 (Board's B-2 identified.)

16 HEARING OFFICER SCHAEFFER: Are there any objections to --
17 Board Exhibit 2 includes both the statement of position; the
18 commerce information submitted; two lists of employees, one of
19 which is the voter list, the proposed I guess employees in the
20 unit, and the other is a list of people that the Petitioner
21 considers to be 2(11)s or just at least not within the scope of
22 the unit.

23 MR. BIRCHFIELD: Well, excluded as supervisors and
24 clericals.

25 HEARING OFFICER SCHAEFFER: Okay. And then a certificate

1 of service. Is there any objection to the statement of
2 position being received as Board Exhibit 2?

3 MR. GARREN: None.

4 MR. BIRCHFIELD: No objection.

5 HEARING OFFICER SCHAEFFER: The statement of position has
6 been received as Board Exhibit 2.

7 (Board's B-2 received.)

8 HEARING OFFICER SCHAEFFER: Mr. Garren, is the correct and
9 complete name of the Petitioner that which appears in the
10 petition filed in this case, Service Employees International
11 Union, Local 32BJ?

12 MR. GARREN: Correct.

13 HEARING OFFICER SCHAEFFER: Can it be stipulated by the
14 parties that the Petitioner is a labor organization within the
15 meaning of the National Labor Relations Act?

16 MR. BIRCHFIELD: Yes.

17 MR. GARREN: Yes.

18 HEARING OFFICER SCHAEFFER: The stipulation is received.

19 Just to clarify, can it be stipulated there is no contract
20 or other bar in existence that would preclude the processing of
21 this petition?

22 MR. GARREN: Yes.

23 MR. BIRCHFIELD: Yes.

24 HEARING OFFICER SCHAEFFER: To be clear, I'm just asking
25 about whether there is a contract that would preclude a bar

1 like processing a petition on any other issues.

2 MR. BIRCHFIELD: Right.

3 HEARING OFFICER SCHAEFFER: Okay. I know we typically ask
4 this at the end. But, Mr. Garren, are you willing to --

5 MR. GARREN: Yes.

6 HEARING OFFICER SCHAEFFER: -- go to an election in any
7 unit that the Region finds appropriate?

8 MR. GARREN: We are ready to go and ready to win it.

9 HEARING OFFICER SCHAEFFER: Are there any petitions
10 pending in other regional offices involving other facilities of
11 the Employer that we should know about?

12 MR. GARREN: Well, I don't know if you --

13 HEARING OFFICER SCHAEFFER: You mentioned just the
14 Philadelphia?

15 MR. GARREN: -- need to know about it but in Philadelphia
16 there was an election directed, an election held, and there are
17 Employer objections that are pending. Again, I don't know if
18 it affects this but there is of course at JFK, a ULP case that
19 is the Employer has filed exceptions to the ALJ's decision.

20 HEARING OFFICER SCHAEFFER: Okay.

21 MR. GARREN: And there is an appeal of the 10(j) in that
22 case to the Second Circuit.

23 HEARING OFFICER SCHAEFFER: I don't have that case number
24 with me right now but there is a -- just to clarify, there is
25 an unfair labor practice case pending, that is pending before

1 the Board that does not involve the LaGuardia employees and
2 involves employees at JFK Airport. Mr. Birchfield, just to
3 clarify, issues raised in both the Philadelphia and in the JFK
4 cases were jurisdiction objections, correct?

5 MR. BIRCHFIELD: That's correct.

6 HEARING OFFICER SCHAEFFER: In addition to other things
7 but that's one of the main issues there as well.

8 MR. BIRCHFIELD: Yes, yes.

9 HEARING OFFICER SCHAEFFER: Okay. The parties are
10 reminded prior to the close of the hearing, the hearing officer
11 will solicit the parties' position on types -- on the type,
12 date, time, and location of the election, and the eligibility
13 period including the most recent payroll period ending date and
14 any applicable eligibility formulas, but will not permit
15 litigation of those issues. The hearing officer will also
16 inquire as to the need for foreign language ballots and notices
17 of election. So I may ask you that later.

18 The parties have been advised that the hearing will
19 continue from day to day as necessary until completed, unless
20 the regional director concludes that extraordinary
21 circumstances warrant otherwise.

22 The parties are also advised that upon request they shall
23 be entitled to a reasonable period at the close of the hearing
24 for oral arguments. Post-hearing briefs shall be filed only
25 upon special permission of the regional director. In addition,

1 a party may offer into evidence a brief memo of points and
2 authorities, case citations, or other legal arguments during
3 the course of the hearing and before the hearing closes.

4 So pursuant to the statement of position that was filed,
5 the Employer has raised a jurisdictional issue that the
6 proposed unit is subject to the Railway Labor Act. Do you just
7 want to briefly -- I don't know that that needs much
8 elaboration, but do you want to elaborate on that in any way?

9 MR. BIRCHFIELD: Certainly. Prime Flight maintains that
10 it is a derivative carrier under the two part test that has
11 been set down by the National Mediation Board and also used by
12 the National Labor Relations Board over the years, that the
13 employees of Prime Flight perform traditional airline carrier
14 work that has just been contracted to Prime Flight instead of
15 being performed by employees directly employed by the carriers,
16 and that the carriers exercise sufficient direct and indirect
17 control over Prime Flight to establish Prime Flight as a
18 derivative carrier. For that reason, they are subject to the
19 Railway Labor Act, which means they are excluded from
20 jurisdiction under the National Labor Relations Act.

21 HEARING OFFICER SCHAEFFER: Mr. Garren, what is your
22 position?

23 MR. GARREN: That these employees are under the National
24 Labor Relations Act, that we will stipulate that the work
25 performed is work that would meet the function test used by the

1 NLRB and NMB, but Prime Flight is an independent contractor
2 that operates with sufficient autonomy and independence so that
3 the control prong of the two part test is not met. They are
4 not controlled by the airlines. They are not under the RLA, so
5 they are under the NLRA.

6 HEARING OFFICER SCHAEFFER: Okay. A second issue that has
7 been raised is that multiple classifications of the
8 petitioned-for unit are supervisors or clericals and must be
9 excluded. Mr. Birchfield, could you just expand on that a
10 little bit?

11 MR. BIRCHFIELD: Yes. The list provided with our
12 statement of position sets out the job classifications. There
13 are managers and supervisors who would be excluded because of
14 their duties test and there are clericals that are excluded
15 both by the petition and by applicable law in terms of being
16 out of the unit. Otherwise, a wall to wall unit is
17 appropriate.

18 HEARING OFFICER SCHAEFFER: I just want to clarify. The
19 unit requested in the petition for the record is all full-time
20 and regular part-time employees employed by the Employer at
21 LaGuardia Airport, that's approximately 700 people, and that it
22 excludes supervisors, managers, office clericals, and guards as
23 defined by the Act. Just to be clear, it's typically
24 supervisors as defined by the Act, but has guards.

25 When you're saying that clericals are excluded, were you

1 just including them on the excluded list to clarify who a
2 clerical was?

3 MR. BIRCHFIELD: Yes.

4 HEARING OFFICER SCHAEFFER: That's appreciated. Just so
5 that I understand because the excluded group is supervisors,
6 managers, and office clericals so to the extent that you've
7 objected to the unit, it's really just to clarify who -- what
8 specific employees the Employer considers supervisors and
9 clericals?

10 MR. BIRCHFIELD: Yes, anticipating that there could be
11 disputes over that we wanted to have a record of that early as
12 to who we believe were in the excluded classifications.

13 HEARING OFFICER SCHAEFFER: I see, okay. Mr. Garren, do
14 you want to respond to that?

15 MR. GARREN: Well, there are some people listed on the
16 exclusions that we believe ought to be in the unit, but far
17 less -- I mean it's a handful so not anything I think it's
18 appropriate to litigate at this point.

19 HEARING OFFICER SCHAEFFER: Okay. Are there any other
20 issues that either party or I guess that the Employer is
21 raising at this time?

22 MR. BIRCHFIELD: No, I don't believe so.

23 HEARING OFFICER SCHAEFFER: Can we go off the record for
24 one second?

25 (Off the record from 10:24 a.m. to 10:35 a.m.)

1 HEARING OFFICER SCHAEFFER: The regional director has
2 directed that the following issues will be litigated in this
3 proceeding, jurisdiction under the National Labor Relations Act
4 versus the Railway Labor Act. The regional director has
5 decided that any issues concerning supervisory status or
6 clerical status will not be litigated in this proceeding
7 because the issue relates to eligibility or inclusion of a
8 portion of the unit which does not significantly impact the
9 size or character of the unit and the regional director has
10 exercised her discretion to defer the issue.

11 I will not receive any evidence concerning any issue which
12 the parties have not -- I'm not going to take any evidence on
13 that issue or any other issues other than jurisdiction. The
14 sentence doesn't make sense. All right, let's go off the
15 record for one second.

16 (Off the record from 10:37 a.m. to 10:40 a.m.)

17 HEARING OFFICER SCHAEFFER: Just to clarify, within Board
18 Exhibit 2, the commerce information questionnaire was -- the
19 questionnaire on commerce information was provided by the
20 Employer and does indicate that the Employer satisfies the
21 Board's monetary jurisdiction standards. But they are
22 asserting that the Employer is subject -- is not subject to the
23 NLRA, it's subject to the NMB and that's going to be the issue
24 that's litigated here.

25 With that I know that there are some stipulations that we're

1 going to try to go through. I'm just pointing you guys to
2 Number 1. For the record, the parties are looking at documents
3 that are not in evidence that I'm going to be referencing,
4 documents that have to do with subpoenas that I'm not going to
5 put in the record at this time, but that's the numbers I'm
6 taking about just for the ease of the people in the room.

7 MR. GARREN: May I propose a stipulation --

8 HEARING OFFICER SCHAEFFER: Yeah, go ahead.

9 MR. GARREN: -- Madam Hearing Officer? I would propose
10 the stipulation that Prime Flight is not owned by or under
11 common ownership with any air carrier.

12 MR. BIRCHFIELD: Yes, we will accept that stipulation.

13 HEARING OFFICER SCHAEFFER: Okay.

14 MR. GARREN: May I propose another stipulation?

15 HEARING OFFICER SCHAEFFER: Okay.

16 MR. GARREN: That Prime Flight has operations at over 40
17 airports in the United States and employs approximately 4,500
18 employees.

19 MR. BIRCHFIELD: We will stipulate that those
20 approximately numbers are correct. It's probably closer to
21 5,000 employees, but it's over 40 airports and 4,500 or more
22 employees across the United States.

23 HEARING OFFICER SCHAEFFER: Okay.

24 MR. GARREN: I will accept his formulation.

25 HEARING OFFICER SCHAEFFER: Are any of those airports not

1 in the United States?

2 MR. BIRCHFIELD: Puerto Rico, certainly is non --

3 HEARING OFFICER SCHAEFFER: Puerto Rico? Okay. The next
4 I think was 13?

5 MR. GARREN: Yes.

6 HEARING OFFICER SCHAEFFER: So do you want to propose a
7 stip, Frank?

8 MR. GARREN: What I would propose is the air carriers play
9 no role in the Employer's hiring process and decisions.

10 MR. BIRCHFIELD: And just subject to our ability to offer
11 testimony that the air carriers refer candidates from time to
12 time, but we accept the stipulation as long as we can offer
13 that testimony.

14 MR. GARREN: That's fine with me.

15 HEARING OFFICER SCHAEFFER: Okay, we'll accept it. I
16 think 15 then?

17 MR. GARREN: The carriers provide no compensation or
18 benefits to the Employer's employees and do not determine the
19 compensation or benefits provided to the Employer's employees.

20 MR. BIRCHFIELD: Prime Flight will accept the stipulation
21 subject to the ability to put in testimony that Prime Flight
22 bases its decisions on contracts with the carriers that set
23 reimbursement rates for example. We would have to offer
24 testimony to that effect. It's not in the stipulation. But I
25 don't want to be precluded from offering that.

1 MR. GARREN: That's fine.

2 HEARING OFFICER SCHAEFFER: Okay, 20?

3 MR. GARREN: The Employer makes the determinations
4 concerning to which shift individual employees are assigned,
5 whether individual employees work overtime, and whether
6 individual employees are granted permission for time off.

7 HEARING OFFICER SCHAEFFER: And Prime Flight will accept
8 that stipulation subject to essentially the same issue that we
9 can show that Prime Flight has final decision-making authority
10 but is informed by its relationship with the carrier.

11 MR. GARREN: That's fine.

12 HEARING OFFICER SCHAEFFER: 21?

13 MR. GARREN: The Employer makes the determinations
14 concerning assignment of individual employees to their
15 schedules and to their duties.

16 MR. BIRCHFIELD: Again offering the same formulation that
17 we will accept the stipulation subject to being able to provide
18 testimony that Prime Flight makes those decisions based on its
19 relationship with the carrier.

20 HEARING OFFICER SCHAEFFER: When you say schedules, do you
21 mean 9:00 to 5:00 for example, the hours worked not -- and when
22 you're talking about duties, are you talking about the general
23 function of the employee, not necessarily --

24 MR. GARREN: Well, both, the job classification and what
25 they are doing.

1 HEARING OFFICER SCHAEFFER: Okay. Yeah, we'll just get a
2 little testimony and then you can raise questions if you have
3 them.

4 MR. GARREN: And I have one other.

5 HEARING OFFICER SCHAEFFER: Sure.

6 MR. GARREN: Prime Flight is responsible for its producing
7 its payroll and the payroll is produced through the national
8 headquarters -- oh, you didn't want to stip to that. Anyway,
9 that's my proposal.

10 HEARING OFFICER SCHAEFFER: Why don't you just ask Mr.
11 Barry where payroll comes from, we can just do it that way.

12 MR. GARREN: So then I would propose the stipulation that
13 Prime Flight is responsible for payroll functions for its
14 employees.

15 MR. BIRCHFIELD: Yes, that's correct. We stipulate to
16 that.

17 HEARING OFFICER SCHAEFFER: All right, let's get to
18 witnesses.

19 MR. BIRCHFIELD: We had discussed whether we were going to
20 take a break to let him review documents and for me to organize
21 the hearing exhibits?

22 HEARING OFFICER SCHAEFFER: Yeah. Let's go off the
23 record.

24 (Off the record from 10:48 a.m. to 11:19 a.m.)

25 HEARING OFFICER SCHAEFFER: Can you please state your full

1 name for the record?

2 THE WITNESS: Matthew Patrick Barry.

3 HEARING OFFICER SCHAEFFER: That's B-A-R-R-Y?

4 THE WITNESS: Yes.

5 (Whereupon,

6 MATTHEW PATRICK BARRY,

7 was called as a witness by and on behalf of the Employer, and
8 after having been duly sworn was examined and testified as
9 follows:)

10 HEARING OFFICER SCHAEFFER: All right, Mr. Birchfield,
11 whenever you're ready.

12 DIRECT EXAMINATION

13 BY MR. BIRCHFIELD:

14 Q Mr. Barry, do you work for Prime Flight?

15 A Yes, I do.

16 Q Can you state what your job title is?

17 A Currently, I am division vice president.

18 Q Is that a particular division or is it broader than --

19 A Some of our geographic areas are crossed, but I have
20 responsibilities that kind of span the country. The majority
21 of it is in the northeast.

22 Q Is Prime Flight owned by another company?

23 A Yes. The parent company is SMS Holdings.

24 Q What are your job responsibilities in your job as division
25 vice president?

1 A I have direct oversight of nine airports and the
2 management teams for those, customer relationships, HR role and
3 responsibility working with our HR professionals at our
4 corporate office on decisions regarding employment, overall
5 customer contacts, communications, budgeting, finance.

6 Q Do your responsibilities include LaGuardia Airport?

7 A Yes, they do.

8 Q How long have you had that responsibility?

9 A LaGuardia, since 2012.

10 Q What is the nature of the services that Prime Flight
11 provides at LaGuardia generally?

12 A We provide a number of services both passenger service
13 related, cabin cleaning services for the aircraft, skycap,
14 wheelchair, baggage handling, first point of contact services
15 for customers traveling for the carriers.

16 Q When you say carriers, you provide services for more than
17 one airline?

18 A Yes, we do.

19 Q I don't mean to try to test your memory but can you give
20 us a general sense of the carriers you provide services for?

21 A Yes. Currently at LaGuardia we provide services to
22 American Airlines, Air Canada, Southwest, Jet Blue, Spirit
23 Airlines. I'm probably forgetting one or two.

24 Q We'll get to that. Are you involved with the day to day
25 operations or what level of contact do you have with operations

1 at LaGuardia?

2 A Not in the day to day operations. I communicate
3 frequently both verbally and through written communication with
4 my team on a daily and weekly basis.

5 Q Are there particular managers that are your point of
6 contact at LaGuardia?

7 A Yes, there are.

8 Q Who are those people?

9 A J.R. Garcia and Rodrigo Calapaqui.

10 Q Can you spell the last name of Mr. Calapaqui for the court
11 reporter?

12 A C-A-L-A-P-A-Q-U-I.

13 Q How frequently do you think you interact with them?

14 A Pretty routinely most weeks, again having either voice or
15 email communication with them on a daily basis.

16 HEARING OFFICER SCHAEFFER: The first person, Mr. Garcia,
17 his first name was J.R.?

18 THE WITNESS: Yes.

19 HEARING OFFICER SCHAEFFER: That's fine, just clarifying.

20 THE WITNESS: Oh, I think it's Juan. I'm sorry. I
21 believe it's Juan Garcia.

22 HEARING OFFICER SCHAEFFER: Juan?

23 MR. BIRCHFIELD: Right. He goes by the initials, yes.

24 HEARING OFFICER SCHAEFFER: Okay, just for the court
25 reporter.

1 THE WITNESS: Sure.

2 HEARING OFFICER SCHAEFFER: Go ahead.

3 BY MR. BIRCHFIELD:

4 Q What is Mr. Garcia's job title?

5 A He is the director of operations for Prime Flight at
6 LaGuardia.

7 Q And what about Mr. Calapaqui?

8 A He is our assistant director or general manager of
9 operations.

10 Q What would you say your level of familiarity is with the
11 operations that Prime Flight provides at LaGuardia?

12 A Pretty decent. It's an extremely large operation with a
13 lot of moving pieces. I'm not down to the nitty gritty, but I
14 have a pretty good overall view.

15 Q Do you interact with the airline carriers themselves?

16 A Yes.

17 Q What are your job responsibilities with respect to that?

18 A I handle certain events or requests that the carriers make
19 either locally through their leadership team or corporately
20 from their leadership team from the carriers that would have
21 impact on LaGuardia's operations for Prime Flight. I will
22 receive updates or communications in regards to them based on
23 audit findings that the carriers conduct and how well or poor
24 that we perform.

25 Q Is there any one carrier that is your largest client at

1 LaGuardia?

2 A Yes.

3 Q Which one is that?

4 A American Airlines.

5 Q Do you recall which services Prime Flight provides to
6 American?

7 A Currently to American we provide a large number of
8 services. We provide cabin appearance services; aircraft guard
9 services; baggage service office; priority parcel service;
10 skycap; baggage handling; line queue; wheelchair; shuttle bus
11 operation; wayfinder, which is kind of like an ambassador
12 program; courier; rug-room, which is tied to the cabin cleaning
13 operation. I think that's most of them.

14 Q What percentage of your operation do you think American
15 constitutes?

16 A I think they're probably close to 60 percent.

17 HEARING OFFICER SCHAEFFER: Can I ask a question about
18 terminals or are you going to get to that?

19 MR. BIRCHFIELD: Go ahead.

20 HEARING OFFICER SCHAEFFER: What terminals are the
21 carriers that you guys service, if you know?

22 THE WITNESS: Terminals B, C, and D.

23 HEARING OFFICER SCHAEFFER: Thanks.

24 BY MR. BIRCHFIELD:

25 Q You may have said but is there one specific terminal that

1 American is associated with?

2 A There used to be. Now with their consolidation with U.S.
3 Airways, Terminal B and Terminal C are their main terminals.

4 HEARING OFFICER SCHAEFFER: Are there other carriers that
5 operate out of those terminals as well?

6 THE WITNESS: Yes.

7 HEARING OFFICER SCHAEFFER: Carriers that you don't have a
8 relationship with?

9 THE WITNESS: Yes.

10 BY MR. BIRCHFIELD:

11 Q Does Prime Flight have a physical office based at
12 LaGuardia?

13 A Yes. We have a number of offices. We have one main
14 office.

15 Q Where is the main office?

16 A The main office is located in Hangar 3, which is tied to
17 Terminal B.

18 Q So the hangars to your knowledge are associated with
19 specific terminals?

20 A I'm not sure. I know they call it Hangar 3. It's
21 attached and accessible from Terminal B.

22 Q That's the main office space for Prime Flight?

23 A Yes.

24 Q Do you know approximately how big that is?

25 A I do not have the square footage. There's one, two,

1 three, four, there are four or five designated offices within
2 it and then there is a common area office space which is
3 utilized through cubicles for a number of people.

4 Q Are there auxiliary offices that Prime Flight has?

5 A There are, some which involve training, some which are
6 tied to specific operational management leadership for specific
7 parts of the operation. Some are tied for employee break
8 rooms, etc.

9 Q How many additional offices besides the main office, do
10 you know?

11 A Off-hand, and I'd have to go through and reference the
12 sheet there, there's probably over 10.

13 Q Do you know where they are located?

14 A Some of them, most of them, probably not all.

15 Q You mentioned a training office for example.

16 A Yes.

17 Q Can you tell us where that is?

18 A That is also in Hangar 3. It's located down the hall from
19 our main office.

20 Q And then do you have just the one, are there more than one
21 training office?

22 A There is one dedicated room for us. There is an auxiliary
23 room that American Airlines owns that we also utilize
24 frequently for training exercises. It's much larger.

25 Q Do you know what training is done in those rooms?

1 A A variety of training from Prime Flight orientation and
2 new hire training to carrier specific, module training.

3 Q Are the training rooms used specific to one carrier or is
4 it broader than that?

5 A I would say at different times it's used for different
6 things. Some things all Prime Flight employees will receive
7 training for in that area. Other Prime Flight employees that
8 work specific contracts might receive their training there or
9 they might receive it in one of our other satellite offices
10 that's closer to the part of the operation that they are
11 responsible for.

12 Q To your knowledge, are Prime Flight employees generally
13 associated with one particular carrier or might they cross and
14 work for multiple carriers?

15 A They can cross and work for multiple carriers. For the
16 most part on the American contract, most of those employees are
17 tied specifically to American. In some of our other contracts
18 we do cross-utilize employees, but there are occasions when
19 American Airlines employees that we have working for Prime
20 Flight also assist.

21 Q How does Prime Flight have possession of the offices that
22 you described? Are those leased or are those owned? Can you
23 tell us how you -- how Prime Flight comes to have possession of
24 those?

25 A Yeah, Prime Flight has been provided those by our carrier

1 partners.

2 Q Is it multiple carriers that provide the space or is it
3 just one?

4 A No, there are multiple carriers that provide us space.

5 Q Do you know who provides the main office?

6 A American Airlines.

7 Q And then if you know can you tell other carriers that
8 provide other specific spaces?

9 A Southwest I believe provides us with spaces as well. I
10 don't believe that Jet Blue does, or Spirit does, or Air
11 Canada. So I believe American, previously legacy U.S. did as
12 well but now they're under the same flag, and Southwest.

13 Q Do you know does Prime Flight pay for that space in some
14 way?

15 A No, we do not.

16 Q I'm sorry. I was vague about that. Let's talk about the
17 main office. Does Prime Flight pay for that space?

18 A No, we do not.

19 Q Is there a formal agreement about the space?

20 A Just that as part of our negotiations with the local
21 leadership the determination was made that they would provide
22 the space for us, so it was not incorporated into our rates for
23 billing.

24 HEARING OFFICER SCHAEFFER: When you say local leadership,
25 who do you mean?

1 THE WITNESS: Local leadership from the carriers, station
2 manager.

3 HEARING OFFICER SCHAEFFER: Anyone from the port authority
4 involved in that?

5 THE WITNESS: No, ma'am.

6 HEARING OFFICER SCHAEFFER: Okay.

7 BY MR. BIRCHFIELD:

8 Q The carrier has the authority to make those
9 determinations?

10 A Yes.

11 Q What about the other spaces, does Prime Flight pay for any
12 of those, the training rooms for example?

13 A No, we do not.

14 Q Just so I'm clear, the carrier provides those to Prime
15 Flight?

16 A Yes.

17 Q I know you mentioned the main office and training rooms.
18 What were the other types of offices? I know you said it and
19 now I've forgotten.

20 A A lot of the other offices are ops offices, locations for
21 our employees to clock in and clock out for their shift. As it
22 is spread across LaGuardia, which from a space standpoint
23 logistically we have a number of operational offices which are
24 utilized by the supervisors and the duty managers that manage
25 those contracts, the employees' ability to clock in and out,

1 break room space, lockers, locker room space.

2 Q These break rooms are for the employees, I take it, the
3 work force?

4 A For the Prime Flight employees.

5 Q Do you know who provides the break rooms?

6 A The carriers do.

7 Q Are the break rooms for the use of all Prime Flight
8 employees?

9 A Yes.

10 Q What about you said locker rooms?

11 A Yes.

12 Q Does every employee have a locker?

13 A I'm not sure if every employee has a locker. I know that
14 they are in a number of different locations, but I don't -- I
15 couldn't say if there was a 1 for 1 of 700 employees.

16 Q Understood. Do any of the -- do any Prime Flight
17 employees wear carrier uniforms, to your knowledge?

18 A Yes.

19 Q Do you know which ones?

20 A Yes.

21 Q Which ones?

22 A The employees that service the baggage service office for
23 American Airlines and the PPS, which is the priority parcel
24 service operation for American Airlines, are required to wear
25 American Airlines logoed uniforms.

1 Q Any other Prime Flight classifications of employees that
2 wear carrier uniforms?

3 A Not currently at LaGuardia.

4 Q Previously were there any?

5 MR. GARREN: Objection.

6 HEARING OFFICER SCHAEFFER: He said not currently. I was
7 curious about that too if there was a time --

8 MR. GARREN: Well, then I need a time frame. I mean if
9 it's 40 years ago, it's one thing. If it's last week, it's
10 another.

11 MR. BIRCHFIELD: Well, he's had responsibility there since
12 2012 so I'll limit it to that.

13 MR. GARREN: Objection. I want to know what happened
14 within the last year. That's what we've talked about.

15 MR. BIRCHFIELD: That was a stipulation for the subpoena.
16 I never said that we wouldn't offer any testimony about any
17 other time ever.

18 HEARING OFFICER SCHAEFFER: Okay. The hearing officer can
19 get evidence later or previous to the 2015. I'm just -- was
20 there -- I'll limit it to 2014.

21 THE WITNESS: Yes.

22 HEARING OFFICER SCHAEFFER: Sir, was there a time when the
23 employees were wearing logos different, I guess of air
24 carriers?

25 THE WITNESS: Yes.

1 HEARING OFFICER SCHAEFFER: Prior to this?

2 THE WITNESS: Prior to 2014 or after?

3 HEARING OFFICER SCHAEFFER: After 2014.

4 THE WITNESS: Yes.

5 HEARING OFFICER SCHAEFFER: When did that -- let's back
6 into it. When did -- was there a change at a certain point?

7 THE WITNESS: Yeah. There was a part of one of our
8 contracts that went away, that was in-sourced back into
9 American Airlines with American Airlines employees assuming the
10 responsibility for the job that we were doing.

11 HEARING OFFICER SCHAEFFER: I see. When did that happen?

12 THE WITNESS: That was about a year ago.

13 HEARING OFFICER SCHAEFFER: So Brent -- sorry, Mr. Garren,
14 since it was a year ago, I'm going to allow it. Why don't you
15 tell us what that was?

16 THE WITNESS: We performed two functions specifically for
17 American Airlines at their ticket counters. They were called
18 PSRs, passenger service representatives, and kiosk resolution
19 representatives. And those positions basically entailed our
20 employees performing duties just like any other airline ticket
21 counter agent would do, assisting customers with the kiosks to
22 check in their luggage, get their boarding passes. The kiosk
23 resolution position was a little bit more involved from a
24 standpoint that those agents had the ability to look at
25 customers' reservations, make adjustments, etc.

1 HEARING OFFICER SCHAEFFER: And they were wearing?

2 THE WITNESS: They were wearing American Airlines logoed
3 uniforms.

4 HEARING OFFICER SCHAEFFER: But you no longer perform that
5 work?

6 THE WITNESS: That's correct. American Airlines took that
7 work as part of their new contract under the consolidation with
8 legacy U.S. Airways and their labor agreement. That work was
9 in-sourced back to American Airlines employees.

10 HEARING OFFICER SCHAEFFER: Okay. Now you mentioned a
11 job classification called a wayfinder.

12 THE WITNESS: Yes.

13 HEARING OFFICER SCHAEFFER: It might be a different job
14 classification but is there someone that stands near the ticket
15 booths -- I'm sorry, near the ticket counters that is an
16 employee of Prime Flight that helps -- I'll withdraw my
17 question. What does a wayfinder do?

18 THE WITNESS: A wayfinder, we have wayfinders position in
19 various locations throughout the terminals to support American
20 Airlines operations, again because they operate in both
21 Terminals B and C. And they are basically ambassadors. They
22 work to direct customers that are checking in to the right
23 locations. If they are transferring to another terminal, they
24 direct them to the busing service which we provide to American
25 Airlines to transfer them prior to them going through security

1 from one terminal to the other.

2 HEARING OFFICER SCHAEFFER: Are those people wearing
3 American Airlines or any sort of logo?

4 THE WITNESS: They are not wearing American Airlines
5 uniforms. They are wearing Prime Flight uniforms but at the
6 direction of the carrier as far as what the look is.

7 HEARING OFFICER SCHAEFFER: All right, thanks.

8 BY MR. BIRCHFIELD:

9 Q Further to that last point, currently do any of your
10 carrier clients at LaGuardia have authority over Prime Flight
11 uniforms?

12 A Yes, with American Airlines.

13 Q Other than the American Airlines uniforms that you
14 described already, what do Prime Flight typically wear?

15 A We recently just are transitioning to a new uniform look
16 so that would be the Prime Flight standard uniform for either
17 passenger services representative or ramp representative.

18 Q Can you describe what it looks like?

19 A The older uniforms were, and in some cases we're still in
20 the mix of transitioning so we've got a little bit of
21 variation, but the old uniforms were navy blue pants, a white
22 aviator shirt, a blue and yellow striped tie, blue sweaters,
23 navy blue sweaters. In some cases, our new uniform look is
24 black pants, gray shirt, black tie, black vest. We have
25 jackets, sweaters, hats.

1 Q Does that uniform cross classifications?

2 A Yes, it has. We try and standardize it because obviously
3 somebody working in cabin cleaning is not going to have the
4 same look, nor do we want them to have the same look as
5 somebody that's dealing with the public so they will have
6 variations to it. And again, as I said, a customer in some
7 cases is given a specific direction on what they want the look
8 to look like. In some cases like we have red blazers that a
9 lot of our employees are required to wear, something that
10 denotes their position. They stand out for ambassador type
11 work.

12 Q That last thing you mentioned, is that specific to one of
13 your carriers?

14 A To American.

15 Q Does that differ from -- I mean I take it from your prior
16 description that differs from the other Prime Flight employee
17 uniforms.

18 A Yes, it does.

19 Q Is that something that you would see at other airports
20 where Prime Flight has employees? Do other employees wear red
21 blazers for Prime Flight at other airports?

22 MR. GARREN: Objection. What they do in other airports
23 isn't relevant.

24 MR. BIRCHFIELD: To the extent that American is changing
25 what they do at LaGuardia from what they would do elsewhere at

1 other airports it is relevant.

2 HEARING OFFICER SCHAEFFER: Overruled.

3 THE WITNESS: It varies, yes. In some airports there's
4 specific requirements, and in some there is guidance, and some
5 there's no direction at all.

6 BY MR. BIRCHFIELD:

7 Q Aside from the red blazers that you've described, are
8 there other instances you can think of where carriers had input
9 into uniforms?

10 A Not off-hand. Our local team would probably be better to
11 answer that.

12 Q Understood.

13 HEARING OFFICER SCHAEFFER: What does a baggage handler
14 wear?

15 THE WITNESS: A baggage handler would wear under the new
16 uniform a variation. It would be instead of a gray button down
17 shirt, it would be a gray golf polo with black slacks.

18 HEARING OFFICER SCHAEFFER: That is the American Airlines
19 uniform or is that --

20 THE WITNESS: No, that's the Prime Flight, standard Prime
21 Flight under our new uniform. Previously, it would have been
22 the white shirt, aviator shirt with the navy blue pants.

23 HEARING OFFICER SCHAEFFER: So that would be the same for
24 Southwest, Air Canada, Jet Blue, Spirit?

25 THE WITNESS: Yes.

1 HEARING OFFICER SCHAEFFER: Okay.

2 BY MR. BIRCHFIELD:

3 Q You mentioned that Prime Flight is transitioning from one
4 type of uniform to another?

5 A Yes.

6 Q How long has that been going on?

7 A We started the project late in 2015.

8 Q But it's still ongoing you said?

9 A Oh, yes. Yeah, yeah.

10 Q Have any of the carriers had input into that process?

11 A In general, yes. JFK is an example. When we did our
12 startup there in May of 2016, we had to present -- in a lot of
13 cases when we do proposals for business we have to present what
14 our employee uniform look is to the carriers and it needs their
15 approval. In the case of JFK, because it's their hub with Jet
16 Blue there, it had to go through their entire branding
17 department for approval prior to us putting it in play.

18 Q In terms of the transition at LaGuardia, have you had
19 contact with any of the carrier representatives about the
20 uniform transition?

21 A Since the uniforms that we've changed out to date in
22 LaGuardia have been mainly non-American Airlines and that
23 previously there hadn't been any specific direction by
24 non-American Airlines carriers at LaGuardia, we have not. I
25 mean the feedback we received has been extremely positive, but

1 we have not counseled with them prior to doing it. Now with
2 American, there are some positions where like as I referenced,
3 the BSO, the PPS, our curbside operation, they are specifically
4 wearing an American uniform set. So before we would be able to
5 transition over our entire operation in LaGuardia, we would
6 certainly have to receive their approval to do so.

7 HEARING OFFICER SCHAEFFER: You just haven't started with
8 American yet?

9 THE WITNESS: We've started with some parts of the
10 operation, ones that are not -- employees that were wearing the
11 old Prime Flight uniform have been transitions to the new one.

12 HEARING OFFICER SCHAEFFER: You said BSO and PSS?

13 THE WITNESS: BSO, the baggage service office. PPS is the
14 priority parcel service office. And our skycaps, I forgot them
15 earlier. I think the skycaps are still wearing the American
16 Airlines issued uniforms.

17 HEARING OFFICER SCHAEFFER: Okay.

18 BY MR. BIRCHFIELD:

19 Q Now do you know whether -- as you're aware, we stipulated
20 that Prime Flight makes its own hiring decisions?

21 A Yes.

22 Q Is Prime Flight subject to any particular requirements
23 about hiring imposed by the carriers, for example background
24 checks or drug test, anything that the carrier says you have to
25 do this as part of your process?

1 A I think, yeah, contractually-wise in our contracts there's
2 language that talks to equal opportunity. Obviously, all of
3 our employees must be eligible to work and receive a badge at
4 the airport which requires a background check to be completed,
5 so yes.

6 Q Since you mentioned the contract, it will be easier to go
7 through this, do it that way.

8 MR. BIRCHFIELD: I'd like to offer Employer Exhibit 1.
9 (Employer's E-1 identified.)

10 HEARING OFFICER SCHAEFFER: Can I just mark this
11 contract --

12 MR. BIRCHFIELD: Ms. Schaeffer, as a procedural matter,
13 this constitutes the set of contracts and addenda that was
14 provided to the Union subject to the subpoena earlier today.
15 It is technically probably separate documents but it is the
16 contractual -- to my understanding, subject to the witness'
17 testimony, this is the contractual relationship. To make this
18 easier, I would like to offer it as one exhibit.

19 HEARING OFFICER SCHAEFFER: I'm fine with that.

20 MR. GARREN: I have no problem with that, just to clarify
21 though that it's just for American Airlines.

22 MR. BIRCHFIELD: I mean you can anticipate I'll be going
23 through this --

24 MR. GARREN: Yeah, yeah, no, but this exhibit.

25 MR. BIRCHFIELD: Yeah, this exhibit is just, yeah, one

1 relationship, yeah.

2 HEARING OFFICER SCHAEFFER: Okay, so it's marked. Go
3 ahead.

4 BY MR. BIRCHFIELD:

5 Q Matt, can you take a minute and look through that?

6 A Sure.

7 MR. GARREN: Can we go off the record a moment?

8 HEARING OFFICER SCHAEFFER: Yeah.

9 (Off the record from 11:47 a.m. to 11:48 a.m.)

10 HEARING OFFICER SCHAEFFER: Back on the record.

11 Go ahead, Mr. Birchfield.

12 BY MR. BIRCHFIELD:

13 Q Matt, have you had a chance to look through that?

14 A Yes.

15 Q Have you seen this document before?

16 A Yes.

17 Q Can you tell me what it is?

18 A It's an exhibit, well, it's a number of different
19 documents that pertain to our agreement with American Airlines
20 at LaGuardia.

21 Q I see that the first page is marked Exhibit A. Is this
22 document the contract or are there other documents?

23 A Typically, what we have is a general terms agreement in
24 whole for our company with a particular airline carrier that
25 covers a lot of the same materials. Sometimes it has extra

1 stuff. Sometimes it has less stuff. It's kind of a
2 system-wide document. And then there is usually specific
3 addendums, or amendments, or appendices that are tied to
4 specific agreements associated with language that's specific to
5 our airport. Sometimes those will also have language that
6 rolls over from the boilerplate general terms agreements as
7 well. So it's kind of a variation and it's really up to the
8 carriers as they provide these to us. They're not documents
9 that are created by Prime Flight.

10 Q Just to follow-up on that last piece, you're saying Prime
11 Flight doesn't draft the contracts with the carriers?

12 A That's correct.

13 Q So this exhibit, Employer Exhibit 1 that you were just
14 handed, can you tell us not the specific person but the entity
15 who drafted this?

16 A American Airlines' purchasing department.

17 HEARING OFFICER SCHAEFFER: Is it sort of a take it or
18 leave it type thing when you win the contract?

19 THE WITNESS: For the most part.

20 BY MR. BIRCHFIELD:

21 Q How does this document, Employer Exhibit 1, relate to
22 Prime Flight's relationship with American Airlines at
23 LaGuardia?

24 A It gives us some guidelines to follow both from a service
25 level standpoint, what potential penalties could potentially be

1 incurred due to lack or poor performance of service. It
2 highlights what the negotiated rates for particular service
3 would be. It provides for specific requirements that the
4 carrier makes of us, their business partner, linking the
5 relationship to licenses, insurance, etc., that we must have in
6 place in order to conduct business for them on their behalf at
7 a particular airport.

8 Q I'd like to direct your attention to the second page. It
9 starts at the top with Paragraph Number 4.

10 A Yes.

11 Q And then the next paragraph down, Paragraph 5, conduct of
12 supplier employees.

13 A Yes.

14 Q Under this contract, who is the supplier?

15 A That would be Prime Flight.

16 Q And looking at the very end of paragraph or Section 5,
17 where it says the supplier further agrees that, do you see that
18 language?

19 A Yes.

20 Q And this refers to removing Prime Flight employees from
21 service. Do you have an understanding of this language?

22 A Yes, I do.

23 Q Do you know if American has ever exercised this language?

24 A In general or at LaGuardia?

25 Q At LaGuardia.

1 A I thought about that as part of this coming today. I
2 can't recall any specifics in LaGuardia. I would be very
3 surprised if at some point within the last four years since
4 I've had responsibility that it hasn't happened only because
5 I've seen it happen system-wide for us in our business with
6 carriers. This language that is in the American agreement is
7 pretty much standard for the most part in all our agreements
8 with the carriers where they reserve the right to notify us
9 that they want a particular employee removed from their
10 contract. And that has happened in my experience with Prime
11 Flight. Since 2005, it has happened with some level of
12 frequency at least on a system basis.

13 Q If you could look at the next page towards the bottom
14 where it says Section 12?

15 A Yeah.

16 Q This language states the supplier, which you said is Prime
17 Flight, will provide any equipment necessary for skycap
18 services. Do you know if that's correct? Does Prime Flight
19 provide all the equipment for skycaps?

20 A We provide the baggage carts, the four-wheel and two-wheel
21 carts I believe in LaGuardia. I think those have been
22 purchased by Prime Flight over the years. That would be it.
23 Everything else that is part of the skycap role and job is
24 provided by the carrier.

25 Q The carrier being American Airlines?

1 A American Airlines.

2 Q Can you think of other equipment that they provide?

3 A Computers, scales, podiums, all of the paper goods that
4 are used, baggage claim checks, boarding passes, heavy tags,
5 oversize tags, all of the actual day to day documents that are
6 utilized by that group of employees is provided by American
7 Airlines.

8 HEARING OFFICER SCHAEFFER: I have a quick question. So
9 skycaps --

10 THE WITNESS: Yes. I know what your question is going to
11 be.

12 HEARING OFFICER SCHAEFFER: The skycaps in some capacity
13 include the people that when you pull up outside of the
14 terminal and someone wants to check their bag curbside --

15 THE WITNESS: Yes.

16 HEARING OFFICER SCHAEFFER: Those people are skycaps?

17 THE WITNESS: Yes.

18 HEARING OFFICER SCHAEFFER: Is the person the customer
19 communicates with, if they are picking up -- as they are
20 dropping off their bag and it is going through the system --

21 THE WITNESS: Yes.

22 HEARING OFFICER SCHAEFFER: -- is that person a Prime
23 Flight employee or a carrier employee?

24 THE WITNESS: It will be in the case of -- it varies, it
25 varies. So not all carriers have skycaps any longer. It used

1 to be something that was pretty standard, but over time that's
2 changed. Some carriers no longer have curbside check-in. And
3 so at that point the customer who is checking their bags is
4 forced to go to the next level in, which would be the ticket
5 counter. That could be staffed by a business partner by Prime
6 Flight or it could be staffed by a carrier employee.

7 HEARING OFFICER SCHAEFFER: Sure.

8 THE WITNESS: In the case of American Airlines, the
9 skycaps who work outside at the departures level, they accept
10 baggage from customers. They check them into their final
11 destination. They provide them their boarding pass. And then
12 they take the bag to where it needs to go onto the bag belt for
13 security screening.

14 HEARING OFFICER SCHAEFFER: So the person at LaGuardia
15 Airport who is accessing that information is a Prime Flight
16 employee?

17 THE WITNESS: That's correct.

18 HEARING OFFICER SCHAEFFER: Okay. Go ahead.

19 MR. BIRCHFIELD: And I apologize to everyone, but I don't
20 think American numbered the pages when they made this contract
21 up so we have to count back to Page 5, which says
22 specifications at the very top.

23 THE WITNESS: Okay.

24 MR. GARREN: Count back to?

25 HEARING OFFICER SCHAEFFER: Count up. It says

1 Attachment I to Exhibit A for skycap at the top.

2 MR. GARREN: I've got it.

3 HEARING OFFICER SCHAEFFER: Do you have that page? Yeah,
4 he's good.

5 BY MR. BIRCHFIELD:

6 Q Look about halfway down. There is a paragraph that starts
7 supplier will provide all uniforms. Do you see that paragraph?

8 A Yes.

9 Q That seems to be different from what you discussed earlier
10 as well. Does American provide the uniforms that they require
11 when Prime Flight has to wear -- when a Prime Flight employees
12 has to wear an American Airlines uniform?

13 A Yes.

14 HEARING OFFICER SCHAEFFER: Wait, I'm sorry. I think it
15 was the phrasing. Who pays for the --

16 MR. BIRCHFIELD: I was asking who provides it. When they
17 require a Prime Flight employee to wear an American Airlines
18 uniform, I was asking who provides that.

19 HEARING OFFICER SCHAEFFER: And the answer is American
20 Airlines?

21 THE WITNESS: Yes.

22 HEARING OFFICER SCHAEFFER: Okay.

23 BY MR. BIRCHFIELD:

24 Q So I take it that there are local realities that can
25 differ from what's in the contract?

1 A Yeah. As I referenced earlier, a lot of times language
2 that rolls over from boilerplate, general terms agreements into
3 specific contracts that are tied to a station and based on when
4 it comes to office space logistics of a particular airport,
5 what's available, etc., other agreements that are made during
6 the proposal process or subsequent contract negotiations,
7 adjustments will be made one way or the other.

8 Q So far we've discussed skycaps, but are there other
9 classifications that Prime Flight provides to American
10 Airlines?

11 A Yes.

12 Q Can you -- I think you probably mentioned them, but can
13 you remind us what those are?

14 A Yeah, so we have shuttle bus operators. We have
15 wayfinders. We have baggage handlers. We have aircraft
16 guards. We have positive claim agents. We have line queue
17 agents, wheelchair agents, cabin cleaning agents, lavatory and
18 water service agents, rug room agents, couriers.

19 Q If you keep turning back pages, there is -- you'll reach a
20 page that says pricing schedule. In the lower right hand
21 corner, it's Page 4 of the attachments apparently. Again, I'm
22 not seeing the logic in the page numbering, but --

23 A Attachment 2.4 to Exhibit A at the top?

24 Q That's right.

25 A Okay.

1 MR. GARREN: What does it say?

2 MR. BIRCHFIELD: It says Attachment 2.4 to Exhibit A. And
3 in the lower right it says 4.

4 (Pause.)

5 BY MR. BIRCHFIELD:

6 Q Matt, I see on the left a list of what appear to be
7 employee classifications. Is that correct?

8 A Yes.

9 Q Is this the list that Prime Flight provides to American?

10 A On this particular contract it is, but it's not all
11 inclusive of all services and contracts.

12 Q I see. So this is just an attachment --

13 A This is a portion.

14 Q -- of some groups of employees.

15 A Correct.

16 Q What is the purpose of having a pricing schedule? What
17 does this document mean?

18 A Well, our contracts system-wide as well as per location
19 vary from a structure standpoint. They range in structure from
20 hourly billing to event, aircraft event billing, to per
21 passenger billing, so it gives a structure to how the finances
22 will be worked out in regards to the billing for the various
23 positions that we'll provide.

24 Q What is the structure under this particular contract?

25 A This is a rate per passenger and also a regular rate per

1 hour down in Table 3 and 2.

2 Q How does that work in practice? I'm not trying to get
3 into any proprietary information about the amounts. I just
4 want to know how your economy relationship with them works, how
5 you get paid.

6 A Sure. So for Tables 2 and 3, the stuff that is regular
7 rate per hour is pretty straightforward through our time and
8 attendance system of tracking hours worked under a specific job
9 classification. We present an invoice at the end of each month
10 to American Airlines for payment. The rate per passenger
11 boarded is a little bit trickier because we don't have -- that
12 information has to be provided to us by American Airlines so
13 it's kind of a we work with them to get the number of
14 passengers that were enplaned and then that goes into a matrix
15 based on the price point for each one of these particular
16 positions, which then ultimately spits out and determines what
17 the total invoice is for those services for the month.

18 HEARING OFFICER SCHAEFFER: So it doesn't -- again if at
19 any point I'm going to let you object if this question goes to
20 anything proprietary. I don't think it does. But you are paid
21 based on the level of business that American Airlines does, not
22 necessarily how quickly or efficiently your employees work?

23 THE WITNESS: Yeah, it's in one part of the contract we're
24 compensated based on the number of people that actually fly on
25 American Airlines out of LaGuardia. But American Airlines, a

1 number of these positions are not volume-based, they are static
2 meaning you have to have a person there from X time in the
3 morning till X time at night. So it's kind of a morph between
4 the two. Positions like the skycap function is a derivative
5 which has, it's tied to a per bag charge, so we get compensated
6 based on the number of bags that we charged. So if there is
7 less volume, we can usually impact the number of staff that we
8 put out. Wheelchairs is the other one. All the other
9 positions for the most part are they are static positions
10 per se so 2 people fly out, 10,000 fly out, it's still the same
11 number of staff.

12 HEARING OFFICER SCHAEFFER: Okay.

13 BY MR. BIRCHFIELD:

14 Q So American doesn't tell you how much to pay your
15 employees on an hourly basis?

16 A I would say that in our proposal we submitted what we will
17 be paying, but those have to be within the guidelines which is
18 derived from the contracts, which stipulate within law, port
19 authority law, which is in the case now here we've seen in the
20 last few years in New York, or state or government law. Those
21 are referenced in the contract. So at a minimum we're required
22 to meet those levels. But as far as what we choose to pay our
23 employees, that's part of our proposal process when we submit
24 our bids.

25 Q Why do you provide that information to American when

1 you're making a proposal?

2 A Number one, American wants to make sure that they're in
3 agreement with what they believe to be market rate pay should
4 be. If they feel that there is, and there's a lot of things
5 that come into it, what's the unemployment rate at a particular
6 time, in a particular city; what rates are you going in at as
7 comparative to what they are paying for their staff. There are
8 a lot of reasons behind them wanting to know that. Obviously,
9 one of the other big reasons, it's the largest driver in the
10 total cost of our agreements is the labor so it's a really
11 important number or numbers for them.

12 Q Do you know whether they base their payments to Prime
13 Flight in any way on what you are paying Prime Flight
14 employees?

15 A No. I mean our contracted agreements for whatever period
16 of time that they're in place are adjusted, are locked in for a
17 particular service or structured billing methodology so they
18 will not change if we make a decision to change someone's pay.
19 That won't change. If we move somebody to a different job
20 classification that carries a different bill rate to the
21 customer then obviously that would apply.

22 Q Prime Flight could elect to increase wages on its own
23 without American Airlines' approval?

24 A Yes.

25 Q Could that impact the profitability of your relationship

1 with American Airlines?

2 A Absolutely.

3 Q How big of a factor are your labor costs in terms of your
4 economic relationship with American Airlines?

5 A I don't know if I want to go into specific percentages,
6 but it's by far the largest by far.

7 MR. BIRCHFIELD: I'd like to offer Employer's Exhibit 1
8 into evidence.

9 HEARING OFFICER SCHAEFFER: Any objection?

10 MR. GARREN: No.

11 HEARING OFFICER SCHAEFFER: Okay. Employer's Exhibit 1 is
12 received.

13 (Employer's E-1 received.)

14 MR. BIRCHFIELD: I'm going to offer Employer's Exhibit 2.

15 HEARING OFFICER SCHAEFFER: Okay. I'm marking this
16 document as Employer Exhibit 2, generally describing it as the
17 agreement between Prime Flight and Jet Blue.

18 (Employer's E-2 identified.)

19 BY MR. BIRCHFIELD:

20 Q Matt, can you take a moment and look through this, please?

21 A Sure.

22 Q Have you seen this document before?

23 A Yes.

24 Q Can you tell us what it is?

25 A Yeah, it's -- one is a general terms agreement for

1 domestic airport services between Prime Flight Aviation and Jet
2 Blue. There is also a statement of work specific to LaGuardia
3 operations between Prime Flight and Jet Blue.

4 Q Jet Blue has done us all a favor and numbered the pages so
5 if you would look back at Page 12?

6 HEARING OFFICER SCHAEFFER: Just for the record there is a
7 gap between Page 22 and 31 in the document. I'm just
8 reflecting that for the record so that nobody thinks we're
9 missing pages.

10 MR. BIRCHFIELD: Right. I was going to ask him about that
11 as well.

12 HEARING OFFICER SCHAEFFER: Yeah, go ahead. I'm sorry.
13 Page 12.

14 BY MR. BIRCHFIELD:

15 Q Do you see Article 12, termination rights?

16 A Yes.

17 Q Do you know whether Prime Flight has the right to
18 terminate this contract with Jet Blue before its maturity date?

19 A That I don't know. I imagine if they were -- if Jet Blue
20 were in default somehow, but from the standpoint of this
21 language I don't believe it specifies.

22 HEARING OFFICER SCHAEFFER: Are you referencing
23 Paragraph 2 of article --

24 MR. BIRCHFIELD: Article 12.

25 HEARING OFFICER SCHAEFFER: 12.2?

1 MR. BIRCHFIELD: Article 12 generally.

2 HEARING OFFICER SCHAEFFER: Okay.

3 THE WITNESS: And you asked if Prime Flight had --

4 HEARING OFFICER SCHAEFFER: Oh, if Prime Flight, okay.

5 Sorry.

6 BY MR. BIRCHFIELD:

7 Q To your knowledge, what is the relationship of this
8 document, Employer's Exhibit 2, to Prime Flight's relationship
9 with Jet Blue at LaGuardia?

10 A Well, this particular document is the general terms
11 agreement that covers all domestic business that Prime Flight
12 does with Jet Blue.

13 Q Do you know whether it -- does this apply at LaGuardia?

14 A Oh, yes.

15 Q Does it also apply at other airports? Are you saying the
16 language is common to other airports?

17 A Yes, it applies to all Prime Flight operations where we're
18 serving the airport.

19 Q Looking at Page 13, Article 13.

20 A Yes.

21 Q Can you just take a moment and look at Page 13 and 14. Do
22 you know whether Jet Blue has conducted books and records
23 inspections or audits at LaGuardia of Prime Flight's records?

24 A No.

25 HEARING OFFICER SCHAEFFER: No, you don't know or --

1 THE WITNESS: No, I don't know.

2 BY MR. BIRCHFIELD:

3 Q What is your understanding of their rights in that regard?

4 A That they have the right to access, inspect, and audit
5 anything from operational performance, to training, to
6 finances.

7 Q Are you generally familiar with Prime Flight's contractual
8 relationships with the airline carriers?

9 A Yes.

10 Q In terms of the inspection and audit rights that you just
11 described, is that something that's specific to Jet Blue or is
12 that broader than just Jet Blue?

13 A No, it's pretty standard for all, all of our carrier
14 business partners.

15 Q And then if you'll go to Page 22?

16 A Um-hum.

17 Q If you turn the page you'll notice, as the hearing officer
18 described, there is a gap.

19 A Yes.

20 Q Do you know why that is?

21 A I believe it is because there are other statements of work
22 that are tied to other airports. In this case, I believe it's
23 JFK and Newark. As we entered into this agreement with Jet
24 Blue, which combine all three of those airports, so you have
25 the general terms agreement which covers all Jet Blue, all

1 Prime Flight system-wide, and then there are individual
2 statements of work associated at the site level and I believe
3 that JFK and Newark were potentially in between the general
4 terms agreement and the LaGuardia statement of work.

5 Q Are you familiar with the statement of work applicable to
6 LaGuardia?

7 A Yes.

8 Q To your knowledge, is the statement of work, this
9 document, statement of work Number 2, is that an accurate
10 reflection of Prime Flight's relationship with Jet Blue at
11 LaGuardia?

12 A Yes, with one exception.

13 Q And what is that?

14 A Skycap services. Jet Blue chose to terminate skycap
15 operations. The only exception I know of is at JFK, but all of
16 their other airports they have discontinued skycap operations.
17 And that happened in LaGuardia I want to say March 18th/19th of
18 this year.

19 Q Earlier you described pricing structures of various kinds
20 that Prime Flight has with its carrier clients.

21 A Yes.

22 Q Do you know what the pricing structure is with Jet Blue?

23 A Yes.

24 Q Can you describe what that is?

25 A We bill Jet Blue a specific amount based on the number of

1 flights that they have scheduled to operate out of LaGuardia or
2 a particular airport. In the case of LaGuardia, it's
3 LaGuardia.

4 Q How do you -- do you get flight information from them?
5 How do you know how much that's going to be?

6 A Yeah, Jet Blue provides us with all of their flight ops
7 information. And from that we take the total number of flights
8 per day, multiply it by the per flight rate, and that generates
9 the daily amount to be invoiced.

10 Q Does that impact Prime Flight staffing in any way?

11 A Yes, in this case, in this particular contract, it is most
12 all volume based so weather day, no flight ops, we're going to
13 not have staff over there or limited staff. We may have to
14 usually have some skeleton crews.

15 Q Do you know with respect to Jet Blue are Prime Flight
16 employees generally assigned to work just for Jet Blue or do
17 they cross carrier lines?

18 A That's something you'd have to ask the local management
19 team to what extent or how often that occurs. I've been a
20 local manager myself so I know in the past from my own
21 experience that that is in our business it's common sometimes
22 based on sick calls, vacations, etc., where largest of volume
23 need is being driven by a particular customer requires
24 additional support that might be brought from another contract.

25 MR. BIRCHFIELD: I'd like to offer Employer's 2 into

1 evidence.

2 HEARING OFFICER SCHAEFFER: Any objection?

3 MR. GARREN: No.

4 HEARING OFFICER SCHAEFFER: Employer's 2 is received in
5 evidence.

6 (Employer's E-2 received.)

7 MR. BIRCHFIELD: Could we go off the record?

8 HEARING OFFICER SCHAEFFER: Yes.

9 (Off the record from 12:18 p.m. to 12:25 p.m.)

10 HEARING OFFICER SCHAEFFER: The Employer is offering
11 Employer 3, 4, 5, 6, and 7, which are the Employer contracts --
12 I'll go in order. Employer 3 is the contract for Air Canada.
13 Employer 4 is the contract with Frontier. Employer 5 is the
14 contract for Spirit. Employer 6 is the contract for Southwest.
15 And Employer 7 is the contract for U.S. Air. They have all
16 been marked for identification.

17 (Employer's E-3 through E-7 identified.)

18 MR. BIRCHFIELD: The Employer would offer them into
19 evidence.

20 HEARING OFFICER SCHAEFFER: Any objection?

21 MR. GARREN: No objection.

22 HEARING OFFICER SCHAEFFER: Okay, those documents are
23 received in evidence, so I'm receiving Employer 3, 4, 5, 5,
24 and 7.

25 (Employer's E-3 through E-7 received.)

1 MR. BIRCHFIELD: Give me a moment? That wiped out a lot
2 of what I needed to do.

3 (Pause.)

4 BY MR. BIRCHFIELD:

5 Q Matt, are you familiar with how Prime Flight employees are
6 trained at LaGuardia?

7 A Generally.

8 Q What I'm interested in is, are you aware of whether the
9 airline carriers have any input into that?

10 A Yes.

11 Q Can you describe what that input is, please?

12 A Yeah, I mean there is a number of our carriers have
13 specific training modules that employees are required to
14 complete.

15 Q When you say a module, how is that offered? What is the
16 media?

17 A Some of it is written format. Some of it, I believe -- or
18 some of it I believe is written format. Most of it is computer
19 based.

20 Q Does Prime Flight prepare any of that material?

21 A No.

22 Q Does Prime Flight have separate training material that it
23 prepares?

24 A Yes.

25 Q To your knowledge, what are the Prime Flight areas of

1 training?

2 A There is overall new hire orientation training which
3 covers stuff like back safety -- it's been a while since I've
4 been through it. It covers a wide range of just general
5 airport operations stuff. Then there is specific training that
6 we have that is defined by position, wheelchair agent, baggage
7 handler, cabin appearance. So depending upon the level of work
8 or what specific job you would do, we have various modules that
9 go along with those jobs.

10 Q Do you know how that differs from the carrier training you
11 described earlier?

12 A Well, it's created by Prime Flight. A lot of our training
13 comes from -- most of our leadership team is ex-airline. A lot
14 of the stuff that we incorporate into our training comes from
15 the carrier side because we're held to the same standard by the
16 FAA, by Department of Transportation as the carriers are so we
17 don't want to create something that is not aligned with the
18 rules and regulations which govern air transportation.

19 Q Do you know in terms of the subject matter does the
20 carrier training differ from what Prime Flight provides?

21 A No, not typically. The subject matter for job specific
22 training is usually pretty close.

23 Q Do you know why the carriers provide their own training
24 modules?

25 A I think it is again for them wanting to ensure that our

1 employees that are doing the work are properly trained under
2 the airport transportation requirements.

3 Q Do you know who performs that training at LaGuardia?

4 A In some cases, it is our employees that have gone and been
5 certified as trainers by the carrier. In some cases, it's
6 carrier personnel.

7 MR. BIRCHFIELD: Those are all the questions I have for
8 him.

9 HEARING OFFICER SCHAEFFER: Okay.

10 MR. GARREN: Well, I can start on my cross. It is 12:30.
11 Certainly before I finish his cross, I'm going to need some
12 serious amount of time with the documents.

13 HEARING OFFICER SCHAEFFER: Okay, let's go off the record.

14 (Off the record from 12:31 p.m. to 1:30 p.m.)

15 HEARING OFFICER SCHAEFFER: Back on the record.

16 Mr. Barry, I'd just remind you, you're still under oath.

17 THE WITNESS: Yes.

18 HEARING OFFICER SCHAEFFER: Go ahead, Mr. Garren.

19 CROSS-EXAMINATION

20 BY MR. GARREN:

21 Q Good afternoon.

22 A Good afternoon.

23 Q I'd like to start with some questions about corporate SMS,
24 corporation Prime Flight. There are approximately 150
25 employees at the national headquarters, is that right?

1 A Approximately.

2 Q Those employees, among other things, they supply support
3 services of various kinds to Prime Flight in general and to
4 Prime Flight at LaGuardia in specific, correct?

5 A Yes, they provide support to all of the holdings
6 companies.

7 Q That includes a human relations or human resource
8 department, correct?

9 A Yes.

10 Q And it includes a sales and marketing function?

11 A Marketing, yes. Sales, no.

12 Q There is a vice president of safety and risk management at
13 a corporate level, is there not?

14 A Yes.

15 Q Training functions or at least some of the training
16 materials are prepared at a corporate level?

17 A They are prepared by our vice president of training and
18 safety. He is not a member of nor does he reside at the
19 corporate office.

20 Q But these are training materials that are used for all
21 different airlines, that is for Prime Flight workers who are
22 performing services to all different airlines and in different
23 airports, is that correct?

24 A The training that's Prime Flight, yes.

25 Q And Prime Flight has a website does it not that's

1 maintained at a corporate level?

2 A Yes.

3 Q And we talked about payroll. What other functions does
4 corporate perform in support of Prime Flight in general and
5 LaGuardia in specific?

6 A Telecom. You mentioned risk, HR, payroll. Also, benefits
7 and leaves, etc.

8 Q How about regulatory compliance, is that a corporate
9 function?

10 A Regulatory compliance regarding what particular area?

11 Q Well, you tell me what areas do you do regulatory
12 compliance in?

13 A Well, I mean there is payroll regulatory compliance I
14 assume. I'm not a compliance officer so that's kind of above
15 my bailiwick.

16 HEARING OFFICER SCHAEFFER: You mentioned the FAA and like
17 FAA regulations and things like that.

18 THE WITNESS: Yes. I mean as a company standpoint the
19 corporate officers, the trainers, etc., all those are required
20 to make sure that we're in step with.

21 HEARING OFFICER SCHAEFFER: So do you just not know if
22 there is a compliance person in HQ or --

23 THE WITNESS: I don't know if we have a -- yeah, I think
24 the regulatory compliance part for things that deal with that
25 fall to our VP of training and safety, Matt Moser. And, again,

1 he's not -- he's a Prime Flight employee, not an SMS employee.
2 He does not reside in there.

3 HEARING OFFICER SCHAEFFER: You said Matt Moser?

4 THE WITNESS: Matt Moser.

5 HEARING OFFICER SCHAEFFER: Do you know how to spell
6 Moser?

7 THE WITNESS: M-O-S-E-R.

8 BY MR. GARREN:

9 Q But just so I'm clear and perhaps you already said this in
10 which case excuse me, but somebody in Prime Flight is
11 responsible at a corporate or Prime Flight-wide level to ensure
12 compliance with FAA and TSA regulations, is that correct?

13 A Yes, to ensure that our training, etc., yes.

14 Q And just so the record is clear, FAA is Federal
15 Aeronautics Administration --

16 HEARING OFFICER SCHAEFFER: I think it's aviation.

17 THE WITNESS: Aviation.

18 BY MR. GARREN:

19 Q Aviation Administration. And TSA is Transportation Safety
20 Administration.

21 A Yes. But it's important to note that because we are not
22 an air carrier, we do not directly fall under the air
23 transportation -- I forget the acronym. Any issues of
24 regulatory non-compliance go to the carrier. And then we as
25 part of our agreements indemnify them for any things associated

1 to negligence on our part.

2 HEARING OFFICER SCHAEFFER: Can you expand on that a
3 little bit? I'll ask -- sorry, that was a bad, open-ended
4 question.

5 MR. GARREN: If you'd like I could --

6 HEARING OFFICER SCHAEFFER: If you want to do it.

7 BY MR. GARREN:

8 Q Yeah. So for instance there are regulations concerning
9 the handling -- providing wheelchair services to disabled
10 passengers and regulations concerning the nature of those
11 services that come from the Department of Transportation. Is
12 that correct?

13 A Right.

14 Q Those are regulations that apply to the airlines. But if
15 Prime Flight in carrying out its wheelchair services violates
16 those regulations then the DOT holds the airline responsible.
17 Is that correct?

18 A Yes. As their business partner, we fall under their
19 umbrella.

20 Q Then your relationship with the carrier is such that you
21 have to make good, do something to make up to the carrier for
22 having caused that violation.

23 A Yes. In some cases, we have to provide feedback or
24 responses directly to the department that's issuing a
25 violation. Some cases, it's a response -- it's a dual

1 response. In some cases, the carrier asks for our feedback and
2 then they respond to it.

3 Q So there are -- well, I'll get to that under training.
4 Give me just a minute and I'll return to this.

5 HEARING OFFICER SCHAEFFER: Yep.

6 BY MR. GARREN:

7 Q I want to talk for a moment about the bid process. Who
8 puts together your bids when you are seeking work at LaGuardia?

9 A It will depend on a number of different things. But
10 typically it would be our senior vice president of business
11 development. It could involve regional like myself. It could
12 involve local station leadership, if we have a presence in that
13 city. It could -- it would involve our marketing department,
14 and potentially also our company controller, and also our
15 company contracts department.

16 Q And the senior vice president for I think you said
17 business development?

18 A Yes.

19 Q Is he in Nashville?

20 A He lives in Nashville, yes, but there's not an office
21 there.

22 Q He does not --

23 A I do not believe so.

24 Q Where is his office?

25 A I believe he works from home.

1 Q But you said he lives in Nashville?

2 A He does live in Nashville, yes.

3 Q When you put together, you meaning the company in this
4 case, not you individually, put together a bid, that bid is
5 based on among other things the profit you seek to make. It's
6 a component of the bid that you offer, is that not correct?

7 A Yeah, I would assume any business would --

8 Q Right.

9 A -- need to factor that in.

10 Q Some of these questions may be obvious but we need to get
11 them into the record.

12 A Sure, I understand.

13 Q And includes the company's overhead and administrative
14 costs?

15 A Yes.

16 Q And it includes the benefits that you provide to the
17 employees, the cost of those benefits.

18 A Yes.

19 Q Includes the wages that you choose to pay the employees?

20 A Yes. Now I will say in some bids the carriers will give
21 us a specific range or even a specific number to use. So in
22 some cases there is communication back and forth. If they are
23 really high on a particular business partner company, feel like
24 they can do the job really well, as part of the bid process
25 they might tell you where they need you to be in order to

1 potentially move forward in the process and be successful. So
2 there is in some cases there is that communication.

3 Q Right.

4 A But without that then, yes, we would make the
5 determination on what we thought was appropriate.

6 Q That communication on where they want you to be that's a
7 bid price, that's what they're saying, they need you to come in
8 at X dollars?

9 A No, not necessarily. I mean they can go specifically --
10 it's usually not a specific number from a bid price standpoint.
11 It's usually tied to the specifics within the bid, a range that
12 they want to see you at from the standpoint of benefits or
13 wages, etc.

14 Q Okay. But your company's benefit -- by the way, when I
15 say your, I am generally meaning the company.

16 A Sure.

17 Q The benefit package is the same nationally, is it not?
18 The health care, these are national programs in your employee
19 handbook, are they not?

20 A Yes.

21 Q And for instance the Prime Flight -- Prime Flight's policy
22 is for people who work holidays get time and a quarter, is that
23 correct?

24 A That's correct.

25 Q That's Prime Flight's decision?

1 A That's correct.

2 Q That applies to all employees regardless of the airline
3 for which they work?

4 A Yeah. There may be exceptions to that that are governed
5 by a specific contract with a certain entity that's outside of
6 my scope. I only have a certain portion of the stations. I
7 can't speak for the entire --

8 Q Okay, within your area.

9 A Within my specific purview, yes.

10 MR. GARREN: Just so I don't forget it, this would be
11 Petitioner's 1.

12 (Petitioner's P-1 identified.)

13 BY MR. GARREN:

14 Q Do you recognize that document?

15 A Yes, I do.

16 Q What is it?

17 A Appears to be a Prime Flight employee handbook.

18 Q Is this the handbook that applies to the employees at
19 LaGuardia?

20 A Yes.

21 Q Does it apply to all the employees regardless of the
22 airline for which they are performing services?

23 A Yes.

24 Q In fact, it applies to all the airports under your
25 jurisdiction, does it not?

1 A Yes.

2 MR. GARREN: I move the admission of Petitioner 1.

3 MR. BIRCHFIELD: No objection.

4 HEARING OFFICER SCHAEFFER: Petitioner's 1 is received.

5 (Petitioner's P-1 received.)

6 HEARING OFFICER SCHAEFFER: Just so we're clear, what
7 office do you work out of?

8 THE WITNESS: I work from a home office.

9 HEARING OFFICER SCHAEFFER: When you say home office, you
10 mean your home office? Yeah, okay. Sorry. And the airports
11 that you, you oversee nine airports. Are they in a geographic
12 region?

13 THE WITNESS: Some of them are. Most of them are. I've
14 got Minneapolis and Houston which are kind of outliers. The
15 rest are predominantly on the East Coast.

16 HEARING OFFICER SCHAEFFER: Okay. Go ahead, Brent.

17 MR. GARREN: While we're doing exhibits, this is something
18 that was produced to me today so I only have one copy. I'd
19 like to make copies. Do you have multiple copies?

20 MR. BIRCHFIELD: Yeah.

21 MR. GARREN: So this would be --

22 HEARING OFFICER SCHAEFFER: P-2.

23 (Petitioner's P-2 identified.)

24 HEARING OFFICER SCHAEFFER: P-2 is an organizational
25 chart?

1 MR. GARREN: Yes.

2 BY MR. GARREN:

3 Q Can you identify that, please?

4 A This appears to be a LaGuardia organizational chart.

5 Q Is it for Prime Flight?

6 A For Prime Flight, yeah.

7 Q Are all the individuals named here managers or
8 supervisors?

9 A Some of them appear to be, well, I'm not sure. When you
10 get down here into some of the lower levels, the quote/unquote
11 qualifier of their job is not listed so it would be hard for me
12 to say.

13 Q Just so we run through this quickly, Mr. Garcia is the
14 airport director as you testified. Mr. Calapaqui is his
15 assistant --

16 A Yes.

17 Q -- called operations manager. And then the people listed
18 under Mr. Calapaqui are managers, is that correct? Or you tell
19 me what they are.

20 A Again, I can't because it doesn't list their title next to
21 their names.

22 MR. GARREN: Actually, we can correlate this to the
23 employee list in Station 3.

24 HEARING OFFICER SCHAEFFER: Okay.

25 MR. GARREN: So let's not waste any time on it. I'd like

1 this admitted.

2 HEARING OFFICER SCHAEFFER: Any objection?

3 MR. BIRCHFIELD: No objection.

4 HEARING OFFICER SCHAEFFER: P-2 is also received in
5 evidence.

6 (Petitioner's P-2 received.)

7 MR. GARREN: Now in terms of the contracts, I'd like to
8 show you a contract, Exhibit 5 -- could the witness see
9 Exhibit 5?

10 HEARING OFFICER SCHAEFFER: You got it? Yeah.

11 MR. GARREN: This is the Spirit Airline contract.

12 BY MR. GARREN:

13 Q I think it's the last two pages or the next to last page
14 I'd like you to turn to that. Can you explain to me, please,
15 what the committee relationship terms and conditions, the
16 allocation, what is all of that about?

17 A So in some of our contracts, they involve more than one
18 party so you might have multiple carriers that are receiving a
19 specific service. And there are again going back into the
20 pricing structure of how these contracts are drawn up, this is
21 another option that's out there which is an 80/20 or 100
22 percent. Basically, what it comes down to is, is on an 80/20,
23 however many number of members of the committee, they share
24 20 percent equal share of the entire monthly expense across the
25 board to start with. The remaining 80 percent of the monthly

1 invoice is then divvied up to each carrier based on their
2 number of passenger enplanements for the month.

3 Q Do you have with Spirit, is Spirit part of a committee?

4 A I believe that they are for ticket queue services.

5 Q What are the other airlines that are in that committee?

6 A The airlines have moved around a lot. I'm not entirely
7 sure. It could be Air Canada -- the local management team
8 would have a better sense of that.

9 Q Okay.

10 HEARING OFFICER SCHAEFFER: Ticket queue being?

11 THE WITNESS: Line queue. They stand at the entrance to
12 where the security checkpoint is. They check to make sure
13 people are using the right lines, that they don't have excess
14 baggage.

15 HEARING OFFICER SCHAEFFER: Okay.

16 BY MR. GARREN:

17 Q Now are you familiar with an airline Envoy or Envoy?

18 A Yes.

19 Q What is that?

20 A It's a subsidiary of American Airlines.

21 Q Do you perform -- does Prime Flight perform services for
22 it?

23 A We do.

24 Q Is that covered by your contract with American or is that
25 a separate contract?

1 A I'm not sure. I'm not sure off-hand if it's -- if there
2 is a separate agreement for Envoy or not.

3 HEARING OFFICER SCHAEFFER: Is that like the name of the
4 carrier or is it like a smaller --

5 THE WITNESS: Yeah. It's like a Mesa would be or
6 Piedmont, along those lines. It's a derivative.

7 BY MR. GARREN:

8 Q What is the relationship between the contract with
9 American Airlines and the contract with U.S. Air? Who is doing
10 what at this point? You produced both contracts. I'm just
11 trying to figure out how is the operation divided up. There
12 are not still flights that are called U.S. Airways flights, are
13 there?

14 A No, there are not.

15 Q Right. So do you know?

16 A Could you ask the question again? I just want to make
17 sure I understand.

18 Q If the question is unclear it's because I don't
19 understand.

20 HEARING OFFICER SCHAEFFER: Let's step back and establish
21 what --

22 MR. GARREN: The Employer produced to us today two
23 contracts, Employer 1 and Employer 7.

24 HEARING OFFICER SCHAEFFER: It's 7.

25 MR. GARREN: So if you would like to see those that would

1 be fine.

2 HEARING OFFICER SCHAEFFER: I just mean establish whatever
3 happened to U.S. Air.

4 BY MR. GARREN:

5 Q Well, U.S. Air was taken over and merged into American
6 Airlines. Is that not correct?

7 A. Yes.

8 Q Nonetheless, you produced to us today two contracts, one
9 for American and one for U.S. Air.

10 A Yes.

11 Q I'm trying to figure out what work is covered by the
12 American contract and what work if any is still covered by the
13 U.S. Air contract.

14 A Okay. So the U.S. Air contract applies to any work that
15 Prime Flight performs for American Airlines now in Terminal C
16 only.

17 Q Okay.

18 A But that excludes the cabin appearance services that we
19 provide in Terminal C for American. That's under the legacy
20 American contract.

21 HEARING OFFICER SCHAEFFER: What is cabin appearance
22 services?

23 THE WITNESS: Cleaning of airplanes.

24 BY MR. GARREN:

25 Q So just let me repeat that and make sure I understand.

1 The U.S. Air contract covers the work done at Terminal C for
2 American except cabin cleaning. Is that correct?

3 A That's correct. And that would include skycap, baggage
4 handling, wheelchair, and wayfinder, I believe. I might have
5 missed one, but I believe that covers those.

6 Q And therefore all the work at Terminal B for American is
7 under the American contract?

8 A Yes.

9 MR. GARREN: The Employer produced to us a number of job
10 descriptions and I'd like to introduce those. We can either
11 stip to them, Frank.

12 MR. BIRCHFIELD: I think a stipulation makes sense.

13 MR. GARREN: Okay. I'll need to make copies. Do we want
14 to do these as 3?

15 HEARING OFFICER SCHAEFFER: Yeah, 3.

16 MR. GARREN: There are a number of them that are
17 managerial that I was going to leave out, but if you want to
18 just -- might as well just put them all in there, it'll be
19 easier.

20 MR. BIRCHFIELD: Sure, that's fine.

21 HEARING OFFICER SCHAEFFER: So this is P-3. It's job
22 descriptions?

23 MR. GARREN: Yeah.

24 (Petitioner's P-3 identified.)

25 MR. GARREN: I guess when we refer to them, we'll just say

1 P-3 and then the name of the job title. It doesn't matter what
2 order they're in.

3 MR. BIRCHFIELD: They're in alphabetical order, so they
4 could be easy to find.

5 BY MR. GARREN:

6 Q I did want to ask you a couple of questions -- well, first
7 of all, just so we have some background here can you explain
8 what the baggage handlers do?

9 A Baggage handlers provide a number of different duties.
10 They can involve placing bags on or off carousels. They can
11 involve moving oversized bags to specific belts that are
12 defined to carry oversized items. They can assist with
13 transport of bags from the curbside inside to the ticket
14 counter. There's a variety of different things that fall under
15 that classification.

16 Q You talked about the wayfinders, which I believe are
17 listed as customer service agents in terms of job
18 classifications in the Employer's position statement. What
19 other functions are performed by customer service agents, the
20 people who are listed as customer service agent in your
21 statement of position?

22 A I'd need to look at it. There's so many, I would want to
23 make sure I have it. As I'm not involved in the day to day
24 operation it's not in my head as well as might be for some of
25 my subordinates.

1 Q Let me just ask this, there -- let me return to that in a
2 minute. There are two job descriptions here. One is for
3 shuttle bus operator and one is for LaGuardia shuttle operator.
4 Do you know the difference between the two?

5 A I do not.

6 Q What shuttle services does Prime Flight operate?

7 A We transport customers back and forth between Terminal B
8 and Terminal C for American Airlines.

9 Q The shuttle bus drivers wear a Prime Flight uniform,
10 correct?

11 A I believe they do.

12 HEARING OFFICER SCHAEFFER: Is this for people in --

13 THE WITNESS: Pre-security.

14 HEARING OFFICER SCHAEFFER: Pre-security?

15 THE WITNESS: Yeah. So it's on the -- because of, if it's
16 okay to elaborate?

17 HEARING OFFICER SCHAEFFER: Yeah.

18 THE WITNESS: Because of the construction or even
19 predating the construction, when the merger took place, they
20 have such distance between Terminals B and C, and there is no
21 inside way to connect, American contracted us to be able to
22 provide that service for customers that showed up at the wrong
23 terminal and they were flying out of another one.

24 HEARING OFFICER SCHAEFFER: I see.

25 THE WITNESS: They also contract another company to do the

1 same thing for customers that arrive in LaGuardia that are
2 connecting, that may be connecting out of another American
3 terminal inside.

4 HEARING OFFICER SCHAEFFER: So someone else handles people
5 on the other side of security.

6 THE WITNESS: That's correct. It's done on the actual
7 ramp, the AOA, the airport operations area, where the aircraft
8 are.

9 HEARING OFFICER SCHAEFFER: Okay.

10 BY MR. GARREN:

11 Q There is a job description for line queue and carry-on
12 baggage monitor. My first question is that work would fall
13 with the customer service agent, would it not?

14 A I believe so.

15 Q Can you briefly just for the record explain what they do?

16 A Yeah. There's airlines are required to only allow
17 customers to take one carry-on and one personal item through to
18 the aircraft so they monitor baggage compliance as far as that
19 goes. They also provide assistance with queuing and the
20 setting up of the stanchions and the lines to ensure that
21 people are hopefully moving efficiently through the security
22 process. They also work in a number of things. They provide
23 ambassador type services for direction to customers asking for
24 restrooms, restaurants, connecting gate information, etc.

25 Q All right, I don't think I need to belabor this much

1 further but these job descriptions apply regardless of the
2 airline for which people perform services, is that correct?

3 A Well, the job description is a generality for the specific
4 work. Each airline, each airport, each contract has its own
5 idiosyncrasies which might add, subtract, modify the
6 description to some extent. It's a general guideline that's
7 set up as a job description for the work that's to be
8 performed, but it is in no means an exacting science based on
9 the variety of requests that we get.

10 Q But the answer to my question is, yes, they apply
11 regardless of the -- these job descriptions are used for the
12 workers performing work for American Airlines, for Jet Blue,
13 for Spirit, for Frontier. It's all the same job description,
14 is it not?

15 A It's the same job description, yes.

16 Q Thank you. Now baggage service office, do you just
17 perform that -- first of all, what is that function?

18 A The baggage service office is the airline's office to
19 handle complaints and to take reports of mishandled luggage.

20 Q The only airline for which you perform that service at
21 LaGuardia is American, is that correct?

22 A Currently.

23 Q How many baggage service office -- how many Prime Flight
24 employees work in the baggage service office?

25 A There are two separate offices, one is in Terminal C and

1 one is in Terminal B. I don't off-hand know the exact number.
2 If I were to venture a guess, I would say it's probably in the
3 20 to 30 range maybe.

4 Q Which is a total all shifts for both offices?

5 A Right.

6 Q Priority parcel, I think you mentioned.

7 A Yes.

8 Q I'm not sure you did explain. Can you explain briefly
9 what they do?

10 A Those would be companies that are known shippers that are
11 shipping cargo outbound on American Airlines or receiving cargo
12 here locally from flights that are inbound to LaGuardia
13 Airport. They basically process those shipments.

14 Q You perform that service only for American, is that
15 correct?

16 A Currently.

17 Q About how many priority parcel --

18 A That's a smaller group. Again, not having specifics in
19 front, I would venture to guess probably between 8 and 15.

20 Q Other than the specific things you pointed to -- I'm
21 switching topics now back to the contracts with the airlines.
22 Other than the specific things you pointed to, the contracts
23 generally accurately describe your relationship with the
24 airlines, is that correct?

25 A Generally, yes.

1 Q Now just to be -- a little more detail on one of the
2 things you went into. You said in your experience it is -- I
3 don't want to put words, I don't remember your exact words but
4 I think you said common, not out of the ordinary that if there
5 is I'll say a sudden rush, big demand or unexpected demand for
6 wheelchairs, at one airline you will take people who are
7 working performing services for another airline and move them
8 over to meet that rush. Is that correct?

9 A Yes.

10 Q That's a Prime Flight decision, is it not?

11 A To move resources?

12 Q Yes.

13 A Yes.

14 MR. GARREN: Okay, let's -- what number are we on, 4?

15 HEARING OFFICER SCHAEFFER: Yeah, 4. I'm going to receive
16 -- is there any objection to P-3?

17 MR. BIRCHFIELD: No. No objection.

18 HEARING OFFICER SCHAEFFER: No, okay, so P-3 is received
19 in evidence.

20 (Petitioner's P-3 received.)

21 MR. GARREN: This is P-4.

22 (Petitioner's P-4 identified.)

23 BY MR. GARREN:

24 Q Do you recognize this document?

25 A Yes.

1 Q What is it?

2 A It's the wheelchair assistance and training manual.

3 Q Is this --

4 (Pause.)

5 BY MR. GARREN:

6 Q So, yes, you recognize this. Is this document used at
7 LaGuardia?

8 A Yes, should be.

9 Q In fact, it's used at all the airports in your
10 jurisdiction that provide wheelchair services, is it not?

11 A It should be.

12 Q This is produced by Prime Flight corporate?

13 A This is produced by our VP of training.

14 Q This is part of the Prime Flight administered training to
15 wheelchair employees?

16 A Yes.

17 MR. GARREN: Move for its admission.

18 HEARING OFFICER SCHAEFFER: Any objection?

19 MR. BIRCHFIELD: No objection.

20 HEARING OFFICER SCHAEFFER: It's received.

21 (Petitioner's P-4 received.)

22 BY MR. GARREN:

23 Q Included in here just for clarity of the record and to
24 make sure we agree, look to the back. If you look at the
25 numbers at the top of the page, you'll see ERGC, go to 426.

1 A Okay, I see the 437 one, student handbook and
2 discrimination.

3 Q And these are also -- anyway, 426 says back protection
4 training safety class. Do you see that?

5 A Yeah. So that would be four-wheel trainings, but could
6 also be for other work types as well.

7 Q And 2 is used at LaGuardia?

8 A It should be.

9 Q Then we have the diversity discrimination and harassment,
10 which is at Page 437. Do you see that?

11 A I think that was the first one I saw, yeah; yeah, 437.

12 Q That is -- do all Prime Flight employees get this
13 training?

14 A They should.

15 Q And it's used at LaGuardia?

16 A It should be.

17 MR. GARREN: I still would like to move the admission.

18 MR. BIRCHFIELD: No objection.

19 HEARING OFFICER SCHAEFFER: All right.

20 BY MR. GARREN:

21 Q Now Prime Flight's orientation -- I'm sorry, the Prime
22 Flight safety training includes training on -- well, I'm sorry,
23 strike all that. Because you said you cross-train, if I
24 remember your test correctly, do you train everybody in for
25 instance wheelchair so that if you need to pull someone from

1 baggage and put them on wheelchairs they're trained on
2 wheelchair?

3 A Yeah, I think I said cross-utilized, not cross-trained.
4 But we do, we do cross-train pretty much everybody is usually
5 the approach when it comes to the wheelchair work because
6 that's typically where we see the need to bring additional
7 resources to there. So obviously we don't want to put an
8 employee into a situation where they are not signed off for
9 training by a particular carrier or by us as a company. That
10 can create an issue of safety for someone. So, yes.

11 Q Now you also have training on dealing with blood borne
12 pathogens, do you not?

13 A Yes, we do.

14 Q You have a safety based behavior reward plan, do you not?

15 A We have a number of safety programs.

16 Q Describe the safety programs you have at LaGuardia.

17 A Well, we have a monthly safety talk which is distributed
18 by the corporate office, which comes out to the stations from
19 Prime Flight corporate office. That is communicated out to the
20 employees in the manner of a read and sign. There is a monthly
21 safety meeting that a local leader is supposed to conduct at
22 the station level, which could involve carrier employees,
23 carrier leadership, Prime Flight leadership, Prime Flight
24 employees.

25 Q Let me just stop you. When you say station level, what

1 does that mean?

2 A Director, assistant manager for Prime Flight, station --

3 Q Station meaning the airport?

4 A LaGuardia Airport. And we will get safety notices and
5 briefs routinely from our business partners, the airlines, that
6 they will send to us and we'll disseminate and distribute to
7 our staff. We have a monthly safety conference call within
8 Prime Flight that all of our airport leaders for Prime Flight
9 are required to attend. It is chaired by the president of our
10 company. We have a safety incentive bonus award program which
11 based on a station's performance regarding safety, be it
12 accidents, injuries, etc., that they have completed their
13 safety committee meeting and had their read and signs completed
14 for their safety talks, the station is eligible I believe it's
15 monthly, on a monthly basis or quarterly, I get confused
16 sometimes on that, to receive a stipend of money that can then
17 be given out to the employees in various forms. Different
18 stations use the money in different fashions. It's based on
19 the overall number of employees that you have so larger
20 stations obviously get more money than smaller, so parties,
21 gift cards, TVs, iPods, stuff along that lines.

22 HEARING OFFICER SCHAEFFER: Did you say regent stations or
23 regent --

24 MR. GARREN: I'm sorry, could you speak up?

25 HEARING OFFICER SCHAEFFER: I feel like I misunderstood

1 one part. You called them, when the station meets, it's --

2 THE WITNESS: Safety meetings?

3 HEARING OFFICER SCHAEFFER: Maybe, okay.

4 THE WITNESS: Station safety meeting.

5 HEARING OFFICER SCHAEFFER: Okay. Is there a name for
6 like what they are supposed to accomplish each month?

7 THE WITNESS: The safety committees are locally based so
8 they determine their own agenda. They'll take feedback in.
9 They come as part of a safety talk, there might be something on
10 that. They can discuss previous month's injuries. They can
11 talk about as we're going into summer heat protection for heat
12 exposure. In the wintertime, it's the opposite. So it kind of
13 varies and it's based on what local station leadership is
14 seeing as one of the big focus items. If there is a trending
15 of a specific type of injury that we're seeing with employees,
16 whether it be personal awareness, what's around you as you're
17 tripping over a bag, if we have people injure their knees, or
18 lifting techniques, all those things are kind of formulated
19 based on the station leadership and what they are seeing will
20 have the most impact.

21 HEARING OFFICER SCHAEFFER: Okay. Go ahead.

22 BY MR. GARREN:

23 Q I'm sorry, I got a little distracted, so if you said this
24 I apologize. But all of this, none of this is done on -- this
25 is for the entire Prime Flight work force at LaGuardia?

- 1 A Yes.
- 2 Q It's not airline by airline.
- 3 A That's correct.
- 4 Q Now we put into evidence the wheelchair assistance manual.
- 5 Prime Flight's advertising material says it has manuals for all
- 6 the kinds of work it does. So my question is, is there a
- 7 similar manual for baggage handler?
- 8 A I believe that there is.
- 9 Q Is that used at LaGuardia?
- 10 A It should be.
- 11 Q Is there a similar manual for customer service functions?
- 12 A Yes.
- 13 Q Is that used at LaGuardia?
- 14 A Should be.
- 15 Q Are there manuals covering all the work that is done by
- 16 Prime Flight employees at LaGuardia or are there manuals?
- 17 A There should be.
- 18 Q Are they used at LaGuardia?
- 19 A They should be.
- 20 Q Okay, thank you. Now Prime Flight's training of employees
- 21 has an on the job training component, does it not?
- 22 A Yes.
- 23 Q That component is administered and run by Prime Flight, is
- 24 it not?
- 25 A It is drafted by Prime Flight corporate. It's executed at

1 the local level.

2 Q Right. In that case I meant Prime Flight as opposed to
3 the carriers.

4 A Yes.

5 Q The answer is, yes, it's done by Prime Flight?

6 A Yes.

7 Q Thank you. And Prime Flight employs a trainer at
8 LaGuardia?

9 A Yes, at least one.

10 Q Some of the training from the airlines is mandated by the
11 government, is it not?

12 A Yes.

13 Q So give me just a moment. The cabin cleaners do security
14 sweeps, do they not?

15 A Yes.

16 Q And training on the security sweep is mandated by the
17 government, is it not?

18 A Yes.

19 Q There is government mandated training for aircraft water
20 systems, is there not?

21 A I'm not sure. I imagine, yeah, potable water, yes.

22 Q There is an FAA requirement for training for ground
23 vehicle operators, is there not?

24 A Yes.

25 Q There is hazardous government required training concerning

1 the use of hazardous chemicals, is there not?

2 A Yes.

3 HEARING OFFICER SCHAEFFER: Are you just asking if these
4 things exist or you want to circle them back to whether Prime
5 Flight employees have to do them?

6 MR. GARREN: Thank you for clarifying that.

7 BY MR. GARREN:

8 Q So Prime Flight employees engaged in cabin cleaning have
9 to be trained on -- in compliance with the government
10 regulations on security sweeps, do they not?

11 A Yes.

12 Q And that training occurs?

13 A To my knowledge, yes.

14 Q That training is training that the airlines insist you
15 carry out, is it not?

16 A Yes. It's their modules in most cases, yes.

17 Q In fact with all of the training I have mentioned, isn't
18 it true that all of this training is given to Prime Flight
19 workers at LaGuardia, all the training I've mentioned so far in
20 terms of the government regulations?

21 A Yes. But I mean there might be some that don't receive it
22 based on it being outside the scope of their work.

23 Q Right.

24 A But, yes, there should be for performing a specific
25 function, they should have received the training for it.

1 Q Okay.

2 MR. GARREN: Does that clarify it sufficiently?

3 HEARING OFFICER SCHAEFFER: Yeah. I just wasn't sure who
4 like, who was doing hazardous chemical training or like I
5 couldn't tell if you were asking do these things exist or is an
6 employee subject to that receiving the training. So you have
7 clarified --

8 MR. GARREN: It is clear enough for the record? I mean
9 you would have a better sense than I.

10 HEARING OFFICER SCHAEFFER: Well, he went over the
11 aircraft water systems. That's a training that exists. Is
12 there a Prime Flight employee working at LaGuardia that has to
13 do that training?

14 THE WITNESS: I'm not familiar.

15 BY MR. GARREN:

16 Q Do you not to lab water work?

17 A We do, we do. I just don't know if that particular
18 training is conducted by a Prime Flight employee or if it's
19 conducted by a carrier employee, if it's part of computer based
20 training.

21 Q Okay. Not worrying for the moment about who gives the
22 training but there are Prime Flight employees who receive that
23 training.

24 A There should be, yes.

25 Q And the same is true for ground vehicle operators that

1 there are Prime Flight employees who have to be trained in
2 compliance with the regulations concerning driving.

3 A Driving on the ramp, yeah, that's done through the port
4 authority.

5 Q Okay. We talked about blood borne pathogen. Again, in
6 terms of passengers with disabilities, wheelchair workers have
7 to be trained to comply with the government regulations on
8 providing services to disabled passengers, is that correct?

9 A Yes, it is.

10 Q And they are so trained at LaGuardia?

11 A To my knowledge, yes.

12 Q The same is true of hazardous material training. There
13 are the people who like skycaps, and baggage agents, and
14 priority parcel service agents who receive material that's
15 going to go on a plane must be trained in the hazardous
16 material regulation, according to hazardous material
17 regulations, is that correct?

18 A Yes.

19 Q And they are so trained at LaGuardia?

20 A To my knowledge.

21 Q Okay. There is training about the disposal of garbage,
22 and concerning animal and plant garbage, that kind of stuff?

23 A That does not apply in LaGuardia.

24 Q Okay, thank you.

25 MR. GARREN: Just a moment.

1 (Pause.)

2 BY MR. GARREN:

3 Q Now there are no American Airline employees who work in
4 the baggage service office, are there?

5 A I'm not sure if they do. It's their physical space and
6 it's their carrier so they may have people that come in there
7 to do work from time to time.

8 Q But there's nobody from American's job it is to be in the
9 baggage service office like all day that's their regular job?

10 A Not that I am aware of.

11 Q Okay, thank you.

12 HEARING OFFICER SCHAEFFER: Is that like where customers
13 go if their bag is missing?

14 THE WITNESS: Yes.

15 BY MR. GARREN:

16 Q Okay. Prime Flight provides the tablets -- well, let me
17 back up. Wheelchair employees use tablets to communicate with
18 dispatch and dispatch uses them to communicate with the Prime
19 Flight wheelchair employees, is that correct?

20 A Yes, that's one method, yep.

21 Q And the tablets are provided by Prime Flight, is that
22 correct?

23 A Yes.

24 Q The tablets have as part of the software, and when I say
25 tablet, it's like an iPad kind of thing.

1 A Yeah.

2 Q Right. And so part of the software package that's in the
3 tablet is SynTrack, is it not?

4 A Yeah, that or Watershed.

5 Q Watershed, okay.

6 A That's the new name, yeah.

7 Q Can you please explain what Watershed is and its
8 relationship to SynTrack?

9 A It's basically just a -- it's a management platform that
10 we utilize to receive data where we can from the airlines
11 regarding passengers that need wheelchair assistance or any
12 type of assistance, meet and assist type of assistance. The
13 information is pushed out to us by the carriers and then it
14 provides information to the employee like flight number, which
15 gate the customer is arriving at, what type of service it is
16 that they have asked for whether it be an aisle chair, get off
17 the aircraft, or if they just need someone, you know, we have a
18 customer that is possible deaf or blind and might just need to
19 be assisted to their connection or baggage claim.

20 HEARING OFFICER SCHAEFFER: Can we get a spelling on
21 SynTrack?

22 THE WITNESS: S-Y-N-T-R-A-C-K.

23 MR. GARREN: I think they capitalize the T.

24 BY MR. GARREN:

25 Q And the relationship between SynTrack and Watershed is

1 what?

2 A They are basically the same thing.

3 Q Is Watershed a later, more current --

4 A It's a newer version.

5 Q This is a proprietary software package for Prime Flight,
6 is it not?

7 A Yes, it is.

8 Q And Prime Flight advertises as part of its marketing the
9 usefulness and advantages of SynTrack, is that correct?

10 A Yes.

11 Q In fact SynTrack is used to help manage staffing levels,
12 is it not, and produce --

13 A I wouldn't say that.

14 Q So if you're advertising said, "Further, the system,"
15 meaning SynTrack, "optimizes SSR personnel scheduling to
16 support passenger demand and customer service while
17 establishing productivity KPIs," is that an accurate statement?

18 A Could you say that again?

19 Q Let me start with this, what's SSR in this context?

20 A Special service request.

21 Q That's a request for a wheelchair for example?

22 A Yes.

23 Q So the quote is, "Further, the system optimizes SSR
24 personnel scheduling to support passenger demand and customer
25 service while establishing productivity KPIs." And then let me

1 go on, "This will ensure optimal SSR agent performance and
2 staffing levels. Certainly, there are changes in demands
3 seasonally and the Prime Flight SynTrack automatically adjusts
4 staffing and scheduling in response to these demand changes."
5 Is that accurate?

6 A Not entirely, not entirely. There is a --

7 HEARING OFFICER SCHAEFFER: Well, sorry, are you -- are
8 you saying that it's not accurate in the sense that it doesn't
9 reflect the question that you were asked, that Mr. Garren
10 asked?

11 BY MR. GARREN:

12 Q Do you think I'm misstating your advertising material, is
13 that what you mean by inaccurate? Or by inaccurate do you mean
14 that the description I read does not reflect reality? Or is
15 that not the question?

16 HEARING OFFICER SCHAEFFER: Or is it that it doesn't
17 reflect the characterization that Mr. Garren used in the
18 question? You asked if it goes to staffing levels and I'm not
19 sure --

20 BY MR. GARREN:

21 Q Let me strike all of that. The quote I read, the section
22 I read and I can read it again if you'd like, is that an
23 accurate description of reality?

24 A Not just with SynTrack. There are other components that
25 can be brought in to do the optimization of the staffing piece.

1 All SynTrack does to optimize is basically let us know who the
2 next person is that needs a wheelchair and where they are. It
3 doesn't say that this is the person that's going to use it. It
4 says this is who is doing something right now. This is who
5 isn't doing something right now. This could be somebody that
6 could go there. What this really tells us is, is who is the
7 next customer that needs assistance in order to make their
8 flight.

9 Q But part of Prime Flight's marketing, trying to seek
10 wheelchair work --

11 A Right.

12 Q -- is it's explaining to or arguing, whatever, presenting
13 to carriers that it can do this work cheaply because it
14 optimizes staffing levels. Is that correct?

15 A Yeah. I mean I think that when you build a book of data
16 for a period of time, you're going to be smarter about what
17 you're doing, and more efficient, and therefore be able to
18 optimize things. Again, the SynTrack is one piece of
19 technology. We use that in coordination with some other
20 technology where you get into real staff planning, etc. That's
21 not in place at LaGuardia today.

22 Q Speaking of other kinds of technology, is INFORM
23 GroundStar used at LaGuardia?

24 A No, it is not.

25 Q That's good, because I don't know what it is.

1 HEARING OFFICER SCHAEFFER: I'm assuming that's spelled
2 like it sounds, INFORM GroundStar?

3 THE WITNESS: I-N-F-O-R-M, GroundStar, yeah.

4 BY MR. GARREN:

5 Q The wheelchair employees can speak through the tablets.
6 They're like telephones or radios. They have that function, do
7 they not?

8 A Yes, they do.

9 Q They cannot speak to American Airlines employees through
10 the tablets, only to Prime Flight dispatch and Prime Flight
11 employees?

12 A I'm not sure. In some cases we have given tablets to our
13 carrier partners for their use to use the device in that form.
14 I'm not sure if we have done that in LaGuardia on any of our
15 contracts or not.

16 Q Okay.

17 HEARING OFFICER SCHAEFFER: You're just limiting our
18 question to the physical capability to speak to them, not --
19 right?

20 MR. GARREN: That was the first question, yeah, because
21 obviously if there is no physical capability then it can't
22 happen.

23 HEARING OFFICER SCHAEFFER: Yes, okay.

24 MR. GARREN: Right.

25 HEARING OFFICER SCHAEFFER: Well, I meant but the

1 information that's coming, the actual text information in terms
2 of the location of the person who needs the wheelchair is being
3 inputted by --

4 THE WITNESS: American.

5 HEARING OFFICER SCHAEFFER: American. So there's
6 communication, it's just not verbal.

7 THE WITNESS: That's correct.

8 MR. GARREN: It's not the -- we have had no testimony
9 about how that communication occurs. There's certainly no
10 testimony or evidence that that communication comes from
11 American directly to the employees.

12 HEARING OFFICER SCHAEFFER: Well, he just testified --

13 MR. GARREN: It may go through managers --

14 HEARING OFFICER SCHAEFFER: Well, he just answered my
15 question. So ask that question or I'm going to, if you want to
16 do it.

17 MR. GARREN: Go ahead.

18 HEARING OFFICER SCHAEFFER: So how does the information
19 about where the person who needs a wheelchair get on the tablet
20 in the first place?

21 THE WITNESS: All of the information that comes onto the
22 tablet regarding the flight, the gate, the customer's name,
23 what assistance they need, all of that comes from American
24 Airlines.

25 HEARING OFFICER SCHAEFFER: For as much as the software

1 has been described as a Prime Flight software --

2 THE WITNESS: Correct.

3 HEARING OFFICER SCHAEFFER: -- but American Airlines is
4 given access to it and is pushing that information through the
5 tablet to the --

6 THE WITNESS: Correct.

7 HEARING OFFICER SCHAEFFER: -- individuals.

8 THE WITNESS: Correct.

9 BY MR. GARREN:

10 Q The information goes from American to Prime Flight
11 employees in the tower, does it not?

12 A I'm sorry?

13 Q The information about wheelchair requests, how does it
14 travel from American to Prime Flight?

15 A American has a real-time feed of all of their reservations
16 information for customers, SSR, so those all go right to every
17 tablet. Now we have through our dispatchers the ability to
18 augment and add additional information like ad hoc requests,
19 customer doesn't state that they need a wheelchair when they
20 booked their reservation. They show up at the airport. They
21 call -- the ticket counter calls the tower and says, hey, I've
22 got John Smith at my ticket counter, he needs a wheelchair to
23 go to Gate 6. The tower then will type in an ad hoc request
24 and put that on the tablet as well. But the vast majority of
25 the information that we get comes directly from the feed with

1 American that tells us the people that have requested the SSRs.

2 HEARING OFFICER SCHAEFFER: What's the tower?

3 THE WITNESS: The tower is kind of like the control center
4 for an airport. Like the airport air tower, we have one that's
5 there for the airport that governs the runways. Each
6 individual airline usually also has their own tower which is
7 basically they handle the ground traffic around the gates, so
8 they determine which gate an aircraft will go into. They'll
9 determine which gates are going to push off. It's kind of a
10 central hub of operations for each individual airline at a
11 particular airport.

12 HEARING OFFICER SCHAEFFER: So is the person in the tower
13 Prime Flight customer (sic) or is that an American Airlines
14 person?

15 THE WITNESS: In the case of --

16 MR. BIRCHFIELD: Excuse me, you said customer. Did you
17 mean employee?

18 HEARING OFFICER SCHAEFFER: Yes. I apologize, Prime
19 Flight or -- whose employee is the person in that tower?

20 THE WITNESS: There's both. We have an employee that is
21 stationed in the tower and it's usually one per shift.
22 American has a number of people in the tower doing various
23 jobs.

24 HEARING OFFICER SCHAEFFER: Who is the person that's --
25 which company is the person who is pushing information through

1 this system, Watershed?

2 THE WITNESS: That gets pushed from outside of New York.
3 I mean that comes from their central res.

4 HEARING OFFICER SCHAEFFER: But when the request for the
5 wheelchair is coming to the ticket counter and getting pushed,
6 I guess going to the tower and then to the --

7 THE WITNESS: That would be usually a Prime Flight
8 employee that would then --

9 HEARING OFFICER SCHAEFFER: It's the Prime Flight employee
10 in the tower that's pushing that information.

11 THE WITNESS: Correct.

12 HEARING OFFICER SCHAEFFER: Thanks.

13 BY MR. GARREN:

14 Q And when a wheelchair agent is going to go pick up a
15 particular passenger, they are instructed to do that by Prime
16 Flight dispatch, is that correct?

17 A No, not necessarily. I mean our system is set up to
18 hopefully be as much self-use or self-determination as much as
19 possible so we want employees to be pro-active. If they're not
20 doing anything and they see that there is a customer that needs
21 assistance that's showing up on the tablet from American, we
22 like our employees to be pro-active and go and handle that
23 assignment. Sometimes we do utilize our dispatchers. In some
24 airports, it's more; some, it's less. And direct them
25 specifically, hey, this customer that's showing up here on this

1 gate, I need you to start heading that way, and go and take
2 care of that person.

3 Q You keep referring to American, but you provide wheelchair
4 services to other airlines, do you not?

5 A We do, we do. We get a feed for most if not all of the
6 others as well. The only ones that we don't get a feed from
7 would be Frontier. I think they're the only one now that
8 doesn't have a feed.

9 Q These other wheelchair services all use the tablets and
10 SynTrack or Watershed?

11 A I think we use all of them here. I think so.

12 Q Okay. Now let's talk just a moment about equipment. The
13 Prime Flight provides the passenger vans that are used in the
14 shuttle service, does it not?

15 A Our agreement with American is for us to lease them and we
16 will back 100 percent of the cost for those vans, as well as
17 any repairs and upkeep.

18 HEARING OFFICER SCHAEFFER: You lease them from American?

19 THE WITNESS: No, I'm sorry. We lease them and we bill
20 back to the cost to American.

21 BY MR. GARREN:

22 Q In the terminal cleaning, Prime Flight provides the
23 buffing machines for the floors, does it not?

24 A On our Southwest contract, yes.

25 Q And provides the vacuum cleaners?

1 A Yes.

2 HEARING OFFICER SCHAEFFER: One sec. Why did you add just
3 for the Southwest? When he asked about the buffing machines is
4 that because you only provide buffing services --

5 THE WITNESS: For Southwest.

6 HEARING OFFICER SCHAEFFER: Okay. Go ahead.

7 BY MR. GARREN:

8 Q In Terminal B, Prime Flight provides the wheelchairs, does
9 it not?

10 A Terminal B for American Airlines?

11 Q Well, there are a number of airlines at Terminal B.

12 A Right.

13 Q My understanding is -- well, you tell me does Prime Flight
14 provide those wheelchairs?

15 A We provide some.

16 HEARING OFFICER SCHAEFFER: Who provides the rest?

17 THE WITNESS: The airlines.

18 BY MR. GARREN:

19 Q Now switching topics just because I'm not sure if we were
20 on the record, we have the employee handbook in evidence.

21 There are no other work rules or codes of conduct that apply to
22 LaGuardia employees other than the handbook, is there?

23 A I would not necessarily state that, no.

24 Q What work rules or codes of conduct do apply, other than
25 the handbook?

1 A You would have to ask the station leadership.

2 Q So you're saying you don't know?

3 A I don't know specifically, no.

4 Q Now the wage rates for employees, there is variation I
5 assume -- well, let me not assume. The basic rate for rank and
6 file if you will wheelchair and baggage and customer service is
7 \$10 -- no, in New York it's \$11 an hour, is it not?

8 A The port authority mandated minimum is \$11 an hour.

9 Q The New York State minimum wage.

10 A Is \$11 an hour, okay.

11 Q But that is the rate for those folks, is it not?

12 A Not all folks, no.

13 Q So who gets more than that?

14 MR. BIRCHFIELD: I object based on relevance. We've
15 stipulated that there is no community of interest issue and
16 that the carriers are not involved in making those decisions.

17 HEARING OFFICER SCHAEFFER: Why --

18 MR. GARREN: Okay. Well, again, I just wanted to
19 establish that there are different pay rates for different
20 people and that's all a Prime Flight decision, and that those
21 pay rates are uniform across different airlines. The pay rate
22 doesn't depend on which airline people are working.

23 MR. BIRCHFIELD: We will stipulate to that.

24 HEARING OFFICER SCHAEFFER: Okay.

25 MR. GARREN: Thank you.

1 BY MR. GARREN:

2 Q Now the government mandates that employees at the airport
3 undergo criminal background and drug test before hiring, does
4 it not?

5 A I don't believe it mandates drug testing.

6 Q But it does mandate you believe criminal background check?

7 A Yes.

8 HEARING OFFICER SCHAEFFER: Is that the port authority?
9 Just when we're using the phrase like government, do we know
10 specifically who does that?

11 THE WITNESS: Department of Homeland Security covers the
12 air carrier, covers the airports.

13 HEARING OFFICER SCHAEFFER: Okay.

14 MR. GARREN: Do you have multiple copies of this, Frank?

15 MR. BIRCHFIELD: Yes.

16 MR. GARREN: What are we on?

17 HEARING OFFICER SCHAEFFER: 5.

18 (Petitioner's P-5 identified.)

19 MR. BIRCHFIELD: Would it be possible to take a short
20 break before we --

21 HEARING OFFICER SCHAEFFER: Yeah, go off -- we'll do this
22 real quick, Petitioner's 5. Describe this one.

23 MR. GARREN: So Petitioner's 5 is a document produced to
24 us pursuant to subpoena that lists all separations from Prime
25 Flight at LaGuardia for the last year. I don't know the exact

1 date.

2 THE WITNESS: We used May 10th.

3 MR. GARREN: May 10th, 2016.

4 THE WITNESS: We used the date of notice.

5 MR. GARREN: That's fine.

6 HEARING OFFICER SCHAEFFER: Okay.

7 MR. GARREN: There's no complaint.

8 BY MR. GARREN:

9 Q If you could just, Matt, please explain the columns?

10 THE WITNESS: Are we going to go on the break?

11 HEARING OFFICER SCHAEFFER: Yeah, you want to take a
12 break?

13 MR. GARREN: Oh, all right.

14 HEARING OFFICER SCHAEFFER: Okay. Let's off the record.

15 (Off the record from 2:36 p.m. to 2:40 p.m.)

16 COURT REPORTER: On the record.

17 BY MR. GARREN:

18 Q Could you just please explain what these different columns
19 are?

20 A Do you want me to go column by column?

21 Q Yeah. I mean some are pretty clear but you might as well
22 just do it quickly.

23 HEARING OFFICER SCHAEFFER: Just go left to right.

24 THE WITNESS: Okay, from left to right the first
25 department is just signifying the airport location by its

1 three-letter airport insignia. The next is the name of the
2 individual employee for Prime Flight. The next is job title
3 that was held at that particular time by this employee. The
4 next is the department name, hire date.

5 BY MR. GARREN:

6 Q And that -- all right, I'm sorry, go ahead.

7 A Next is an action which I assume is in these because
8 they're all one form or another of termination; the reason code
9 for the action; whether it was an avoidable termination or not.

10 Q And what does that mean, avoidable?

11 A I'm not sure. I mean I can make a guess, but I'm not
12 sure. I didn't create the document.

13 Q Because they all seem to be Y's under that. I don't see a
14 single N, if that helps shed any light on it.

15 A Again, I didn't create the document so --

16 Q All right.

17 A Description, action, reason for the action, and then a
18 determination of either a voluntary or a non-voluntary
19 termination. And then the action date that it was taken.

20 Q A voluntary termination is basically a resignation and a
21 quit, and any -- is that correct? So let's say failure to
22 return from leave. I'm just looking if there is -- I saw some
23 said reduction in hours, if I noticed it correctly. Staff
24 reduction, is that an N or a Y?

25 A That's an N.

1 Q All right, that's all I have.

2 MR. GARREN: So I'd like to admit this.

3 MR. BIRCHFIELD: No objection.

4 HEARING OFFICER SCHAEFFER: Okay. P-5 is received.

5 (Petitioner's P-5 received.)

6 BY MR. GARREN:

7 Q One thing I forgot to ask you earlier on another topic,
8 how many wayfinders are there?

9 A That honestly I don't know.

10 Q Okay. We're talking now about I guess in your terminology
11 here involuntary terminations, firings. You have to approve
12 all the firing any -- before firing can occur at LaGuardia, is
13 that correct?

14 A Yes.

15 Q And corporate HR also has to sign off on that?

16 A They are consulted.

17 Q But is it ultimately your decision?

18 A Yes.

19 Q You are guided by the disciplinary standards in the
20 employee handbook, is that correct?

21 A Yes.

22 Q Do they -- do you, does the company perform employee
23 evaluations at LaGuardia?

24 A I don't perform employee evaluations at LaGuardia.

25 Q Are you aware of whether they occur or not?

1 A I'm not.

2 Q You described the Prime Flight, the old Prime Flight
3 uniform and the new Prime Flight uniform. I was just curious
4 because you didn't mention it, is there a Prime Flight logo on
5 the Prime Flight uniform?

6 A Yes, there is.

7 Q Was there on the old one?

8 A Yes.

9 Q Is there on the new one?

10 A Yes.

11 Q Where is that logo?

12 A I believe it's on the left chest side.

13 Q Is it plainly visible to anybody looking at the Prime
14 Flight worker?

15 A It would depend on your eyesight.

16 Q Do all the Prime Flight employees have ID badges?

17 A Yes.

18 Q Do the ID badges say Prime Flight?

19 A I believe they do.

20 Q And they do not have the name of any airline on the ID
21 badge, do they?

22 A They could.

23 Q Do they at LaGuardia?

24 A You would have to look at 700 IDs. We routinely have
25 employees that work both for us as well as a carrier and so

1 instead of issuing two separate badges, the port authority will
2 issue one badge with both names on it.

3 Q But if somebody is employed only by Prime Flight and not
4 employed by an airline then their ID badge will only say Prime
5 Flight, is that correct?

6 A That is correct.

7 HEARING OFFICER SCHAEFFER: So this is an ID badge issued
8 by the port authority, not Prime Flight?

9 THE WITNESS: Yes.

10 BY MR. GARREN:

11 Q Prime Flight employees are required to have their ID badge
12 plainly visible, are they not?

13 A Yes.

14 HEARING OFFICER SCHAEFFER: Whose requirement is that?

15 THE WITNESS: The port authority.

16 MR. GARREN: If you'll give me just a moment?

17 (Pause.)

18 BY MR. GARREN:

19 Q So when we have one of these kind of rushes and somebody
20 is taken off one airline, put on another airline, they don't
21 change their uniform do they?

22 A No.

23 MR. GARREN: That's all I have.

24 HEARING OFFICER SCHAEFFER: Frank -- I'm sorry, Mr.

25 Birchfield, do you have any follow-up questions you want to

1 ask?

2 MR. BIRCHFIELD: I think just one.

3 REDIRECT EXAMINATION

4 BY MR. BIRCHFIELD:

5 Q Matt, during your cross-examination there was discussion
6 about moving resources from one carrier to another, for example
7 if there is high wheelchair demand on a particular carrier. Do
8 you remember that discussion?

9 A Yes.

10 Q The question was asked whether Prime Flight controls the
11 decision to move those resources, do you recall?

12 A Yes.

13 Q Does a carrier have any power to react negatively if you
14 don't move resources in that scenario?

15 A Yes.

16 Q For example, what would they be able to do?

17 A They can impose penalties as part of the SLA agreements
18 that we have with them for not meeting the service standard.

19 Q What else could they do?

20 A They can fire us.

21 MR. BIRCHFIELD: That's it. That's all I have.

22 HEARING OFFICER SCHAEFFER: I have some questions. I'm
23 going to try to keep it brief. If you don't know the answer,
24 obviously, and I think we're going to have some other witnesses
25 after this so they may be, but are there times when the carrier

1 has -- do you recall specific instances when in the last year a
2 carrier has contacted -- hold on one second. Let me ask the
3 attorneys this question first. Are we going to get into the
4 carrier question, about carriers terminating like or the
5 question of whether how people are terminated? Is that coming
6 later --

7 MR. BIRCHFIELD: Yes.

8 HEARING OFFICER SCHAEFFER: -- with a different witness?

9 MR. BIRCHFIELD: Yes.

10 HEARING OFFICER SCHAEFFER: All right, then I'll hold my
11 questions, okay. You can go. Sorry, I was just honking out
12 for the room. We hadn't really addressed it yet.

13 (Witness excused.)

14 HEARING OFFICER SCHAEFFER: Let's hear from the next
15 witness.

16 MR. BIRCHFIELD: We call J.R. Garcia.

17 HEARING OFFICER SCHAEFFER: Mr. Garcia, could you please
18 give your full legal name to the court reporter?

19 THE WITNESS: Yes, Juan Raul Garcia.

20 COURT REPORTER: Raul? Could you spell Raul?

21 THE WITNESS: R-A-U-L.

22 COURT REPORTER: G-A-R-C-I-A?

23 THE WITNESS: Correct.

24 COURT REPORTER: Thank you very much.

25 HEARING OFFICER SCHAEFFER: Okay.

1 (Whereupon,

2 JUAN RAUL GARCIA,

3 was called as a witness by and on behalf of the Employer, and

4 after having been duly sworn was examined and testified as

5 follows:)

6 HEARING OFFICER SCHAEFFER: Go ahead.

7 DIRECT EXAMINATION

8 BY MR. BIRCHFIELD:

9 Q Mr. Garcia, can you tell us what your job title is?

10 A Director of operations at LaGuardia.

11 Q You're employed by Prime Flight?

12 A Yes.

13 Q Tell us what your general scope of duties are in that job.

14 A Yes. General scope of duty is to ensure that we have a
15 smooth operation, to service our clients and our airline
16 partners.

17 Q What is your role in that?

18 A Well, I get involved with a lot of their meetings, special
19 requests, make sure they have appropriate schedules to cover
20 the operation, any customer related issues.

21 Q Are you the top onsite manager for Prime Flight at
22 LaGuardia?

23 A Yes.

24 MR. BIRCHFIELD: This will be Employer 8, I believe.

25 HEARING OFFICER SCHAEFFER: I'm just going to tag this as

1 emails.

2 (Employer's E-8 identified.)

3 BY MR. BIRCHFIELD:

4 Q Mr. Garcia, do you recognize this document?

5 A Yes.

6 Q Can you tell us what it is?

7 A Yes. It's a document where we were requested by the
8 airline to remove an employee due to a serious service issue.

9 Q Which airline made the request?

10 A American.

11 Q Do you recall who this originated from? Did this come
12 from Ruth Dyke originally?

13 A It came from John Rock, the manager on duty for American
14 Airlines.

15 Q Did you speak with him yourself?

16 A I did.

17 Q Do you recall did they request that you terminate this
18 person's employment or just remove him from their contract?

19 MR. GARREN: Objection, leading.

20 MR. BIRCHFIELD: Well, he's already testified about what
21 the document is so I'm asking --

22 HEARING OFFICER SCHAEFFER: I'm fine with that.

23 MR. GARREN: Well, you know it's not what the document
24 says. It's not what he testified to so I have a problem with
25 it.

1 MR. BIRCHFIELD: Read it back.

2 HEARING OFFICER SCHAEFFER: We can't read it back like
3 with the -- or am I correct that we can't read it back?

4 COURT REPORTER: It just takes a little bit more time.

5 HEARING OFFICER SCHAEFFER: Okay.

6 COURT REPORTER: Do you want it read back, the series of
7 questions?

8 HEARING OFFICER SCHAEFFER: No. It's okay.

9 BY MR. BIRCHFIELD:

10 Q Can you describe -- after your conversation with Mr. Rock,
11 can you describe what happened?

12 A Yes. We gather all the facts obviously and then we share
13 them with our corporate HR, with Ms. Ruth Dyke, and she's the
14 one that carried us through the process.

15 Q Were you interacting with anybody else at American other
16 than Mr. Rock?

17 A No, pretty much him because he was the manager on duty.

18 Q Did you communicate with him what you were going to do
19 about the situation?

20 A I told him that I would obviously go through our normal
21 channels, through HR to ensure that we follow every protocol.

22 Q What ultimately happened with the employee's employment?

23 A The employee was released.

24 Q When you say released, released from employment?

25 A From employment, that contract.

1 Q So you didn't move him to another contract or something
2 like that?

3 A Correct.

4 Q Are the dates on this document correct? The very top one
5 refers to May 22nd of this year.

6 A Yeah, everything is pretty current. I mean the incident
7 occurred back in April.

8 HEARING OFFICER SCHAEFFER: Is the last page I guess the
9 initial notification?

10 THE WITNESS: The last page?

11 HEARING OFFICER SCHAEFFER: Of the document.

12 THE WITNESS: Yes, that's correct. That's correct,
13 initial notification.

14 MR. BIRCHFIELD: I offer this into evidence.

15 HEARING OFFICER SCHAEFFER: Okay. Any objection?

16 MR. GARREN: Well, part of it is illegible.

17 VOIR DIRE EXAMINATION

18 BY MR. GARREN:

19 Q Looking at the next to the last page there is what appears
20 to be a screen shot of the text and I can read that, but
21 beneath that what does it say, thanks for the info, and, yes, I
22 got the call from John Rock and we handled accordingly. Who is
23 the text -- who wrote the two things there?

24 A The first part, the initial notification for it say
25 Wayfinder Crystal (ph.), it was probably sent from the

1 supervisor because we have a supervisor that oversees the
2 wayfinders. It was sent to me directly. And then there was my
3 response at the bottom.

4 HEARING OFFICER SCHAEFFER: Is that D.J.? What's the name
5 of the person that oversees the wayfinders? Is it Dennison or
6 something like that?

7 THE WITNESS: That is Dennis Jones. He is one of the
8 supervisors. I just don't remember. I can't see the -- D.J.?
9 So that's Dennis Jones, yeah.

10 HEARING OFFICER SCHAEFFER: Okay.

11 MR. GARREN: I have no objection.

12 HEARING OFFICER SCHAEFFER: Employer 8 received in
13 evidence.

14 (Employer's E-8 received.)

15 CONTINUED DIRECT EXAMINATION

16 BY MR. BIRCHFIELD:

17 Q Mr. Garcia, do you have any schedule of meetings with any
18 of the carriers?

19 A Yes.

20 Q Can you describe what that is?

21 A Various meetings. We have daily meetings, operational
22 meetings where we go over the operation for the day or the
23 upcoming week. We do those on a weekly basis, normally Monday
24 through Friday. We also have service related meetings such as
25 baggage mishandlings where we -- or baggage mishandling, we

1 discuss what happened with the bag, how could we have avoided a
2 mishandling, just general operational meetings. I'm invited to
3 all of their safety meetings, anything that has to do with the
4 customer, working with the customer. Because obviously we want
5 to provide the service that they expect.

6 Q Does this occur with all the carriers at LaGuardia?

7 A Yes.

8 Q Any of them more than others, any of the carriers in
9 particular that you have your schedule with?

10 A American being the largest.

11 Q You said you have daily meetings?

12 A Yes.

13 Q Would that include with American?

14 A Yes.

15 Q What are the topics of those daily meetings?

16 A Operational related, we discuss for instance we're going
17 to have bad weather coming up, do we need to beef up the
18 staffing, or if they need a special project, anything that's
19 related to the day to day operation of the airline.

20 Q Special project referring to what?

21 A A perfect example is like during the summer we have a high
22 volume of baggage. Due to the limited infrastructure of the
23 location, we have to come up with alternatives to still move
24 the bags and make the service agreements.

25 Q Are you familiar with the office space that Prime Flight

1 has a LaGuardia?

2 A Yes, sir.

3 Q Do you know about how large the main office is?

4 A I'm not exactly sure on the square footage, but we have a
5 big space where there's a combination of employees that work.
6 We have an office which is used for filing. We have an office
7 for our recruiter. We have an office for Rodrigo. And we have
8 a small reception area, and then my office.

9 Q Who is Rodrigo?

10 A Mr. Calapaqui, the system manager.

11 Q How many Prime Flight employees are regularly stationed in
12 that office, by which I mean they have a permanent work space
13 there?

14 A Including myself it's one, two, three, four, five, six --
15 about eight.

16 Q You said yourself and Mr. Calapaqui.

17 A Correct.

18 Q Who else?

19 A We have Ms. Woods, who is the office administrator. We
20 have Ms. Taylor, who is our recruiter. We have Ms. Gomez,
21 Jennifer Gomes, who handles minor administrative tasks. We
22 have Ms. Cavello, who handles HR related issues. And we have
23 Laura, who handles IDs, workman's claim related, injury related
24 stuff.

25 Q The meetings that you mentioned earlier, are those

1 in-person meetings or telephone meetings?

2 A It's a combination of both.

3 Q The daily meetings, are those in-person or on the phone?

4 A It's a combination of both.

5 Q How many meetings a day do you think you have with carrier
6 personnel?

7 A It varies week by week, but for sure on a daily basis
8 Monday through Friday we have what we call the baggage meeting
9 and the operational debrief meetings.

10 Q Are there multiple carriers at any of these meetings or is
11 it a separate meeting with each carrier?

12 A It's a separate meeting with each carrier.

13 Q How long do those usually last?

14 A An average about 30 to 45 minutes.

15 Q How much time do you think you spend per week meeting with
16 carrier personnel in those meetings?

17 A It varies, but it could be anywhere between two to three
18 hours, sometimes more, sometimes less.

19 Q Are you aware of any situations in which carrier managers
20 supervise Prime Flight employees?

21 A No.

22 Q Would they ever be in a position to give them direction on
23 their work tasks?

24 A They could.

25 Q Can you describe what that would be?

1 A For example, if they want a wayfinder for example standing
2 in a particular location, they may ask the wayfinder to stand
3 here or they request it through us if they want to make it more
4 like a permanent change, obviously they would go through us for
5 that. But if they just need him here for an hour or so,
6 they'll probably give him those directions.

7 Q You know you've been here, there's been some discussion of
8 training. Can you describe to the extent of your personal
9 knowledge what kind of training carriers require of Prime
10 Flight employees at LaGuardia?

11 A It varies depending on job function. But for example the
12 cabin appearance team, they're required to take the same
13 dangerous goods training and hazmat training as their normal
14 employees because obviously they interact with -- could
15 interact with substances.

16 Q Anything else that you can think of?

17 A There is very specific training like a cabin security
18 search. It has to be very specific to their protocol.

19 Q What form does this training take? By which I mean what
20 are the media, the platforms that are used.

21 A It's a combination of both instructor led and/or web
22 based.

23 Q Where do the instructors come from? Are they carrier
24 employees, Prime Flight employees?

25 A It's our instructor. Our instructors have to be qualified

1 depending on the training, have to be qualified by the airline
2 carrier.

3 MR. BIRCHFIELD: I moved Employer's 8 in, didn't I? That
4 is the email thread on the termination.

5 HEARING OFFICER SCHAEFFER: Yes.

6 MR. BIRCHFIELD: This will be Employer's 9 then.

7 (Employer's E-9 identified.)

8 HEARING OFFICER SCHAEFFER: It's been marked.

9 BY MR. BIRCHFIELD:

10 Q Mr. Garcia, have you seen this document before?

11 A Yes.

12 Q Could you tell us what it is?

13 A Yes. It's notification from the airline informing us that
14 the employees on such list included have not completed their
15 training and must complete it before they can handle any work
16 on the American contract.

17 Q Can you tell us who Christina Perez is?

18 A She is the complaint coordinator for American Airlines.

19 Q How often do you interact with her?

20 A Pretty much lately.

21 Q What's the subject matter of your interactions?

22 A She has a broad scope of things in her line of
23 responsibility. She keeps us -- makes sure that we are in
24 compliance with deadlines of the training. If we need certain
25 employees, Prime Flight employees are granted pseudo numbers or

1 contract numbers, employee numbers so they can access some of
2 their systems to perform some of the training in some of the
3 work that we provide for them.

4 HEARING OFFICER SCHAEFFER: They are granted access to
5 American Airlines' systems?

6 THE WITNESS: Correct.

7 MR. BIRCHFIELD: I'll offer Employer's 9 into evidence.

8 HEARING OFFICER SCHAEFFER: Any objection, Brent?

9 MR. GARREN: Give me just a moment.

10 VOIR DIRE EXAMINATION

11 BY MR. GARREN:

12 Q I'm sorry. This may have been part of the testimony and I
13 missed it, but just what training does this refer to?

14 A Dangerous goods.

15 Q For what kind of employee?

16 A Anyone that handles a bag or an aircraft where a
17 dangerous, you know, a customer could put something like a can
18 of spray starch is considered dangerous goods. There is a list
19 of items they consider dangerous goods.

20 MR. GARREN: No objection.

21 HEARING OFFICER SCHAEFFER: Employer 9 is received in
22 evidence.

23 (Employer's E-9 received.)

24 MR. BIRCHFIELD: Employer's 10.

25 (Employer's E-10 identified.)

1 HEARING OFFICER SCHAEFFER: I'm marking a document that
2 the subject line is TSA annual audit as Employer 10. Go ahead.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. BIRCHFIELD:

5 Q Mr. Garcia, please take a moment to look through that.

6 Mr. Garcia, do you recall seeing this before?

7 A Yes.

8 Q Can you tell us what this is?

9 A It was a notification from the airline that the TSA was
10 going to be conducting a field inspection of their operations,
11 which we do some of this work. Just it's a heads-up to ensure
12 that we are in compliance with the requirements.

13 Q Who is Louis Macedo?

14 A Louis Macedo, he is the manager on duty for American
15 Airlines.

16 Q How often do you interact with him?

17 A Pretty much on a daily basis.

18 Q What is the type of interactions that you have with him?

19 A Request for to do any type of work, or any form, or if
20 they need anything. It could be an array of things.

21 Q When you get this email from Mr. Macedo, what is your
22 responsibility in responding to this email?

23 A My responsibility is to ensure our management team out in
24 the field is aware and that we are making sure that we are in
25 compliance with the protocols.

1 MR. BIRCHFIELD: Offer this into evidence.

2 MR. GARREN: No objection.

3 HEARING OFFICER SCHAEFFER: I'm just going to ask a
4 question to clarify. If you look at the bottom of Page 1 in
5 the email I guess about -- the initial email about the audit,
6 it says this will be for Air Wisconsin and PSA only. Are those
7 divisions of American Airlines?

8 THE WITNESS: They are carriers that provide regional
9 service to American Airlines.

10 HEARING OFFICER SCHAEFFER: Okay. Employer 10 is
11 received.

12 (Employer's E-10 received.)

13 HEARING OFFICER SCHAEFFER: Okay. I'm marking a document,
14 subject line April 3, 2017 course releases, as Employer Exhibit
15 11. Go ahead.

16 (Employer's E-11 identified.)

17 BY MR. BIRCHFIELD:

18 Q Mr. Garcia, do you recognize this document?

19 A Yes, sir.

20 Q Can you tell us what it is?

21 A Yes. It's a document that is released by the airline,
22 airport customer service training for various lessons to the
23 different work groups.

24 Q And before I ask you about it, I notice at the bottom left
25 it says 1 of 4, 2 of 4, 3 of 4, but there is no Page 4. Do you

1 know was there a Page 4 to this document?

2 A I don't know.

3 Q Is this something you received in your email?

4 A Yes, that was a courtesy copy on the email.

5 Q Do you have job responsibilities in relation to this
6 email?

7 A Yes. Some of these courses not all apply to our
8 employees.

9 Q Do you know whether these are courses prepared or offered
10 by American Airlines?

11 A Yes.

12 Q Does Prime Flight have any preparation of these courses or
13 is this --

14 A Not to the best of my knowledge. It's all directed out of
15 the corporate office.

16 Q So how do these courses relate to Prime Flight employees?

17 A Every employee has a job code. Depending on their job
18 code, that's the lesson that goes automatically into the
19 training profile, which is web based.

20 Q So how do they access the training?

21 A Through their American Airlines issued pseudo number,
22 contractor number.

23 Q Can you describe that process? How do they get this
24 number?

25 A Yes. Depending on the job role the employee is going to

1 perform, they may or may not require a pseudo number. For
2 example, cabin cleaners don't require a pseudo number. We
3 request the pseudo number through Christina, who in turn puts
4 the request in through their identity management system. They
5 create the number. The number comes back to American, to a
6 different approver who will verify the employee number. Once
7 that employee number is verified, it's pushed to us for
8 issuance to the employee. Every employee has a unit number.

9 Q Who issues the number?

10 A American Airlines identity management.

11 Q Where do the employees take the training?

12 A The training, it's provided either at our training
13 facility or for example in the cabin service area there is
14 American issued computers where they can log in and take the
15 training.

16 MR. BIRCHFIELD: I'll offer Employer's 11 into evidence.

17 HEARING OFFICER SCHAEFFER: Any objection?

18 MR. GARREN: No.

19 HEARING OFFICER SCHAEFFER: Employer 11 is received.

20 (Employer's E-11 received.)

21 MR. BIRCHFIELD: This will be Employer's 12.

22 (Employer's E-12 identified.)

23 HEARING OFFICER SCHAEFFER: Marking as Employer's 12, a
24 document subject line regional AC security circuit training.
25 Go ahead.

1 BY MR. BIRCHFIELD:

2 Q Mr. Garcia, do you recognize this document?

3 A Yes.

4 Q Can you tell us what it is, please?

5 A Yes. It's just an email confirming that we have
6 successfully completed the training of cabin search for the
7 Republic Airlines.

8 Q Who is Loretta Bove?

9 A Loretta Bove, she is the managing director for American
10 Airlines at LaGuardia.

11 Q Is she your peer or your lateral peer in management?

12 A She is higher.

13 Q Is this type of email something you do regularly or is
14 this out of the ordinary?

15 A No, we communicate regularly.

16 MR. BIRCHFIELD: Offer this into evidence, please.

17 HEARING OFFICER SCHAEFFER: Any objection?

18 MR. GARREN: No objection.

19 HEARING OFFICER SCHAEFFER: Employer 12 is received.

20 (Employer's E-12 received.)

21 MR. BIRCHFIELD: This will be Employer's 13.

22 HEARING OFFICER SCHAEFFER: I'm marking as Employer 13, a
23 document subject line updated safety training flyers. Sorry --
24 yeah, go ahead, Mr. Birchfield.

25 (Employer's E-13 identified.)

1 BY MR. BIRCHFIELD:

2 Q Mr. Garcia, have you seen this document before?

3 A Yes, sir.

4 Q Can you tell us what it is?

5 A Yes. It was the annual safety training seminar conducted
6 by American Airlines at LaGuardia and its partners. We were
7 invited to attend this training.

8 Q When you say invited does that mean it's not mandatory?

9 A Well, mandatory.

10 Q How often -- it says spring training. Is it just annual?

11 A It's pretty much annually, yeah.

12 Q What classifications of Prime Flight employees attend?

13 A I attended. My manager of cabin service attended and my
14 instructor attended.

15 Q Are non-managers involved in this training?

16 A No, it's mainly management.

17 Q What is the purpose of the training?

18 A It's a training -- it's kind of like a seminar where they
19 go over various trainings such as how to avoid damages to
20 aircraft when using ground equipment. It covers all aspects of
21 training from human behavior to driving on the ramp.

22 Q So it relates to American Airlines' operations?

23 A Correct.

24 Q Are you supposed to pass that along to Prime Flight
25 employees?

1 A We are supposed to share, yes, some of the findings, yes.

2 Q I see. Are there materials or anything that are given to
3 you to share out?

4 A In the particular meeting last week, we didn't get any
5 material to hand out.

6 Q So how is the information presented to you?

7 A It's mainly instructor led or facilitator led with
8 PowerPoint.

9 Q And then what are your job responsibilities with respect
10 to this training?

11 A Any applicable sections that pertain to us, we make sure
12 that we discuss it with our employees such as for example
13 driving on the ramp which is something that is very serious.

14 Q How would you go about --

15 MR. GARREN: I'm sorry, very what?

16 THE WITNESS: You have to be strict. It's a serious --
17 driving on the ramp, you have to be very careful how you, you
18 know, it's not like driving out on the highway. Sometimes it's
19 more dangerous.

20 HEARING OFFICER SCHAEFFER: Just to be clear, the ramp,
21 it's basically an area where the aircraft are around?

22 THE WITNESS: Correct.

23 HEARING OFFICER SCHAEFFER: Yes.

24 BY MR. BIRCHFIELD:

25 Q What method do you use to share that with Prime Flight

1 employees?

2 A Face to face communication, small team briefings.

3 MR. BIRCHFIELD: I'll offer that into evidence.

4 HEARING OFFICER SCHAEFFER: Any objection?

5 MR. GARREN: None.

6 HEARING OFFICER SCHAEFFER: Okay, received.

7 (Employer's E-13 received.)

8 MR. BIRCHFIELD: Number 14.

9 HEARING OFFICER SCHAEFFER: Employer 14 is a document
10 subject line regional security search.

11 (Employer's E-14 identified.)

12 BY MR. BIRCHFIELD:

13 Q Mr. Garcia, have you seen this document before?

14 A Yes, sir.

15 Q Can you tell us what it is?

16 A This was a communication between us and Jeb Luke. He is
17 the general manager for Envoy at LaGuardia. It's a
18 confirmation of giving an update of where we stood with our
19 training, cabin search training.

20 Q I know this came up earlier, but who is Envoy?

21 A Envoy is a subsidiary of American Airlines.

22 Q Is this for some type of training?

23 A Yes, for cabin search training.

24 Q Who is subject to this training?

25 A Our cabin cleaners at night who conduct the searches.

1 Q There is a reference to course codes. Does this relate to
2 the pseudo number that you mentioned earlier?

3 A No. The course code, it relates to the specific training
4 for regional and mainline, regional meaning Envoy, mainline
5 being American. Due to their operating certificates they each
6 have a different requirement so our instructor has to be
7 qualified to teach both courses.

8 Q I see. What are your job responsibilities with respect to
9 this communication?

10 A My job responsibilities is to ensure that every employee
11 is trained on time to perform those duties.

12 MR. BIRCHFIELD: I'll offer this into evidence.

13 MR. GARREN: No objection.

14 HEARING OFFICER SCHAEFFER: At the top of the document, it
15 says please review the attachment for EAG regional training.
16 Do you know what EAG stands for?

17 THE WITNESS: It's American Eagle Airlines.

18 HEARING OFFICER SCHAEFFER: Okay, got it.

19 THE WITNESS: American Eagle. There's so many codes and
20 airline lingo.

21 HEARING OFFICER SCHAEFFER: American Eagle is like Envoy,
22 it's like another regional?

23 THE WITNESS: American Eagle -- there's several airlines
24 that operate under the American Eagle umbrella. American Eagle
25 is the marketing name.

1 HEARING OFFICER SCHAEFFER: I see, okay. Suddenly all of
2 my air travel makes sense. Okay. I'm going to receive
3 Employer 14 in evidence.

4 (Employer's E-14 received.)

5 MR. BIRCHFIELD: Employer 15.

6 (Employer's E-15 identified.)

7 HEARING OFFICER SCHAEFFER: Is this the summary we were
8 talking about earlier?

9 MR. BIRCHFIELD: Yes.

10 HEARING OFFICER SCHAEFFER: So Employer 15 is a document,
11 the first line says PF Aviation Services LGA. Okay, go ahead.

12 BY MR. BIRCHFIELD:

13 Q Mr. Garcia, were you involved in preparing this document?

14 A Yes, sir.

15 Q Did you prepare it on your own?

16 A With feedback from other people.

17 Q Who else did you talk to?

18 A Rodrigo Calapaqui and Daniel Enriquez.

19 Q Who is the second person?

20 A Daniel Enriquez, he is the manager of cabin appearance.

21 Q You said Daniel Enriquez?

22 A Yes.

23 HEARING OFFICER SCHAEFFER: Is that E-N-R-I-Q-U-E-S?

24 THE WITNESS: Z.

25 COURT REPORTER: Thank you.

1 BY MR. BIRCHFIELD:

2 Q I'd like to ask you some questions about this document --

3 A Okay.

4 Q -- just to get a little bit more insight into what's in
5 here. At the very top of the first page where it says space
6 provided by AA, that's referring to American Airlines?

7 A Correct.

8 Q And where it says PF main office, it says Hangar #3, PF
9 main office, what is this list below that?

10 A Those are the different offices that American Airlines
11 provides to us to perform our job duties. It's various
12 locations where we have employees throughout the terminal
13 station to perform their duties.

14 Q I know you talked about who is in the office already. In
15 terms of the ramp level that refers to rug room, can you remind
16 me what the rug room is?

17 A Yes, sir. The rug room, it's space where we keep, where
18 we store our supplies for aircraft cleaning and provisioning
19 such as paper towels, toilet paper, plastic gloves, chemicals
20 that we use to clean the aircraft.

21 Q Do you know who provides those materials?

22 A American provides those materials.

23 Q Does Prime Flight pay for those materials?

24 A No.

25 Q And then right below that it says small break room. Who

- 1 uses that break room?
- 2 A Our employees.
- 3 Q Is there any particular group of employees that uses it?
- 4 A No.
- 5 Q I know you've got upwards of 650 or 700 employees.
- 6 A Yes.
- 7 Q Do they all have access to that room or is it --
- 8 A They all have access.
- 9 Q And then what about the locker rooms right below that, who
- 10 are those for?
- 11 A Those are for our employees as well.
- 12 Q Is that the entire work force can access that?
- 13 A We don't have enough locker rooms in there for everybody,
- 14 so I just know that whatever lockers are available, they use.
- 15 Q Below that WCHR dispatch office. What is that for?
- 16 A That's where the dispatcher for our wheelchair attendants
- 17 sits to control the flow of the work force.
- 18 Q How does he go about doing that?
- 19 A Well, they communicate via the tablets.
- 20 Q Below that, SUP office, is that supply office?
- 21 A It's a supervisor office.
- 22 Q Supervisor office.
- 23 A Yes.
- 24 Q And then at the bottom of that list, priority parcel
- 25 office. Is there another break room that's in that area?

- 1 A Yeah, a small break room to the back.
- 2 Q Below that in Terminal C there is another listing for
3 dispatch office. What is that for?
- 4 A That's for the wheelchair dispatcher that works out of
5 Terminal C.
- 6 Q Do they overlap with the dispatch office in Hangar 3?
7 What's the breakdown of responsibility?
- 8 A The dispatchers?
- 9 Q Yeah.
- 10 A No. They each dispatch from their respective terminals.
- 11 Q So there's two separate groups of employees --
- 12 A Correct.
- 13 Q -- they dispatch from?
- 14 A Correct.
- 15 Q All right. And then below that space provided by
16 Southwest, is that all in Terminal B?
- 17 A Yes, Concourse B.
- 18 Q And where it refers to Gate B-1, cabin and facility
19 offices, can you describe what those are used for? I see the
20 description there, but if you can provide additional
21 information?
- 22 A I don't.
- 23 Q That's the description, okay. On top of the next page, AA
24 items utilized, what are the two lava trucks? What's a lava
25 truck?

- 1 A Lavatory trucks.
- 2 Q Lavatory?
- 3 A Yes. That's to service the lav and water on the aircraft
- 4 at Terminal C.
- 5 Q And the two water trucks?
- 6 A The same thing.
- 7 Q Is that to supply water to the airplane?
- 8 A Correct.
- 9 Q Does Prime Flight own those or pay for them in any way?
- 10 A No. They are owned by American.
- 11 Q What about the rest of this list of items, are those Prime
- 12 Flight items or are those something that are owned by American?
- 13 A The handheld radios are owned by American. The pallet
- 14 jack is owned by Prime Flight. The computer and the PC in the
- 15 rug room is owned by American, and so are the computers in the
- 16 training room. Terminal C, one PC is owned by American. There
- 17 is another one that is owned by Prime Flight.
- 18 Q The next grouping, supplies provided by carrier, which
- 19 carrier is that?
- 20 A That's American Airlines.
- 21 Q Is that all still in Terminal B or is that a larger list?
- 22 A There may be additional items, but it's the same supplies
- 23 for both terminals, Terminal B and Terminal C. We use the same
- 24 protocol to clean.
- 25 Q Does American supply both terminals?

1 A Yes.

2 Q And then skipping down to baggage operations, can you
3 describe what the scanners are?

4 A Yes. The scanner, it's a device that you scan the bag tag
5 so you know at all times where the bag is located.

6 Q It's a handheld device?

7 A Correct.

8 Q Same issue with the two communication radios?

9 A Correct. They provide those.

10 Q How many radios are there, do you know, roughly?

11 A Between both terminals, I would say we have about maybe
12 close to 20.

13 Q The next item down, skycap operations refers to skycap
14 podiums. Are these those podiums we see on the curbside?

15 A That's correct.

16 Q Those belong to American Airlines?

17 A Yes.

18 Q Then the next line mentions PC, what is that?

19 A The computers, the check-in computers.

20 Q Is that set up on the podium?

21 A Yes.

22 Q Skipping down to busing operation, what is that referring
23 to?

24 A That's to connect customers on the inside, on the secure
25 side of the airport, from one terminal to the other, from

1 Terminal B to Terminal C, and vice versa, and Concourse C.

2 Q Is this the shuttle operation?

3 A Yes.

4 Q The top of the next page under priority parcel operation,
5 where it says AA provides full uniform for PF PPS employees,
6 can you describe what that means?

7 A Yes. It means American Airlines provides our priority
8 parcel employees a full complement of their branded uniform.

9 Q What does that look like?

10 A Typically, it's a light blue pant, cargo pants, and a
11 light blue shirt, and a name tag, name bar.

12 Q Does it have a logo on it?

13 A Yes.

14 Q Whose logo?

15 A The name bar has the American Airlines logo.

16 HEARING OFFICER SCHAEFFER: Does it have a Prime Flight
17 logo on it, too?

18 THE WITNESS: No.

19 BY MR. BIRCHFIELD:

20 Q Then skipping down to the baggage service operation, the
21 second item there, can you describe what that uniform looks
22 like?

23 A It's the same as the PPS uniform.

24 Q What about the name bar?

25 A Same.

1 Q Skipping down to equipment provided by Southwest,
2 Terminal B, the skycap equipment, is it essentially like what
3 you described earlier for American?

4 A Pretty much.

5 Q Who owns that equipment?

6 A Southwest.

7 Q What about the next list, cabin operation (supplies), what
8 does this list refer to?

9 A Those are items that are necessary to service the
10 aircraft.

11 Q Who provides those?

12 A Southwest.

13 Q Then on the next page at the top, facilities operations,
14 there is a list of materials. What is that list for?

15 A That's just to conduct the daily janitorial services of
16 the facility.

17 Q Do Prime Flight employees do those services?

18 A Yes.

19 Q Who provides these materials?

20 A Southwest.

21 Q The very last line, wheelchair operation, it says
22 Southwest provides 50 wheelchairs, lease and maintain through
23 Aviation Mobility. Can you describe who is responsible for
24 that? I don't quite follow who has the lease there?

25 A The wheelchairs are owned by Southwest, but the

1 maintenance of them is provided through a vendor which Aviation
2 Mobility, to repair wheels, stuff like that.

3 Q Who provides those wheelchairs? Those are coming from?

4 A Southwest.

5 MR. BIRCHFIELD: I'd like to offer this into evidence.

6 HEARING OFFICER SCHAEFFER: Any objection?

7 MR. GARREN: None.

8 HEARING OFFICER SCHAEFFER: Employer 15 received.

9 (Employer E-15 received.)

10 MR. BIRCHFIELD: That's all I have for this witness.

11 HEARING OFFICER SCHAEFFER: Okay.

12 CROSS-EXAMINATION

13 BY MR. GARREN:

14 Q Good afternoon. If you didn't gather, my name is Brent
15 Garren and I'm going to ask you a few questions. If you don't
16 understand anything about my questions, please let me know,
17 okay? All right, so starting with the last thing we discussed,
18 Employer 15, the list of premises and materials, this is a
19 complete list of all the equipment supplied by the airlines to
20 Prime Flight, is it not?

21 A Pretty much.

22 Q Frontier does not supply any equipment to Prime Flight,
23 does it?

24 A Not to the best of my knowledge.

25 Q U.S. Air doesn't supply any equipment to Prime Flight,

1 does it?

2 A Well, U.S. Air is really American Airlines. They do.

3 Q The wheelchairs used for Spirit, Frontier, Air Canada,
4 those are owned by Prime Flight, are they not?

5 A I'm not sure.

6 Q Okay. There was testimony earlier that Prime Flight
7 provides orientation to new hires. How many days does that
8 orientation take?

9 A It's normally like a one day agreement.

10 Q There is on the job training. How long does that take?

11 A It all depends on the job.

12 Q What's the longest amount of time it can take?

13 A For technical jobs, up to a week.

14 Q For say, well, okay, let's go with that. The orientation,
15 you say that's a full day, morning through afternoon?

16 A Yes.

17 Q The training that say is done for a baggage handler, there
18 is the baggage handling training from the baggage handling
19 manual. How long does that take?

20 A I would say a day. It's a combination of both on the job
21 and curriculum.

22 Q How many wayfinders are there?

23 A Between both terminals, I would say we have about close to
24 35 to 40 maybe.

25 Q How many people work in the baggage service offices?

- 1 A There's two offices on the American contract, so I would
2 say also between 20 to 25.
- 3 Q How many people work in the priority parcel?
- 4 A That's a smaller work group, about 15.
- 5 Q Now concerning Crystal Brewington.
- 6 A Yes.
- 7 Q American -- is it American?
- 8 A Yes.
- 9 Q Yes. American asked you to remove her from the account,
10 is that correct?
- 11 A Yes.
- 12 Q They did not ask you to terminate her, did you -- did
13 they?
- 14 A Correct.
- 15 Q And you made an -- you meaning Prime Flight made a
16 decision based on your employment standards whether you would
17 terminate her or do something else with her, is that correct?
- 18 A Correct.
- 19 Q And HR, corporate HR signed off on the firing?
- 20 A Correct.
- 21 Q And Matt Barry signed off on the firing?
- 22 A To the best of my knowledge.
- 23 Q In fact, it says here that one of the reasons why you
24 decided to fire was that she was still in her 90-day
25 introductory period, is that correct?

1 A Correct, in addition to the serious customer service
2 failure.

3 Q The 90 day introductory period, that's Prime Flight
4 policy, is it not?

5 A Yes, sir.

6 Q That's the same introductory period regardless of which
7 airline account you're working on, correct?

8 A Yes, sir.

9 Q I want to understand if you can help me in the statement
10 of position there are 100 something people listed as customer
11 service. If I remember correctly, there is a separate group
12 listed as line queue. So in the -- and I think there is a
13 separate group that's passenger service, a small group. So
14 could you tell me please what are the functions of the people
15 classified as customer service?

16 A Yes. The customer service were those folks that are
17 interactive with the customer when we had the kiosk resolution
18 check-in function.

19 Q Well, okay. Are the wayfinders listed as customer
20 service?

21 A Well, technically all employees are customer service.

22 MR. GARREN: Could the witness be shown the statement of
23 position, please, which was --

24 HEARING OFFICER SCHAEFFER: Are you referencing the list?

25 MR. GARREN: Yes, I am referencing the list.

1 COURT REPORTER: Board 2?

2 HEARING OFFICER SCHAEFFER: Yeah.

3 MR. GARREN: Yeah, it's GC-2. I guess this is
4 alphabetical, though that's not helpful for this particular
5 purpose.

6 BY MR. GARREN:

7 Q But if you could look at some of the names that are listed
8 as customer service, so for instance the third name which I
9 think is Timothy, if I have that right -- no, that's line
10 queue. Christopher Abrams is customer service.

11 A Yes.

12 Q Then we have another one is Ahmed Mousumi or Mousumi
13 Ahmed, I'm sorry, and another one is Selma Akhter -- it's very
14 small print so I'm having a hard time with it. I'm trying to
15 figure out what these people actually do because there are, if
16 I counted them right, 120, 130 something in that range.

17 A Well, Christopher Abrams specifically I can tell you he
18 was a wayfinder and he's in a new role now. He's a bus driver,
19 a shuttle driver up on the concourse.

20 Q But then he should be listed as a shuttle bus driver
21 because we have a job classification here bus driver. So he
22 should be listed as a bus driver, correct, is that what you're
23 saying?

24 A He could. He is also providing customer service,
25 assisting customers onto the bus, off the bus, with the bags,

1 so we're providing service, not only is he driving.

2 MR. GARREN: I have nothing further.

3 HEARING OFFICER SCHAEFFER: I don't want to belabor the
4 point on this too much, but could you look at Employer 8? This
5 is the -- the person who I guess contacted you is this person
6 John Rock?

7 THE WITNESS: Correct.

8 HEARING OFFICER SCHAEFFER: Can you describe to me what
9 John Rock does?

10 THE WITNESS: Yes. He's the manager on duty for American
11 Airlines. And during his tour of duty, he's responsible for
12 all aspects of the airline operation, including customer
13 service, flight arrivals and departures, sometimes
14 dependability, anything related to the day to day operation.

15 HEARING OFFICER SCHAEFFER: Has everybody had a chance to
16 read this paragraph that's in here?

17 MR. GARREN: You're talking about the last page?

18 HEARING OFFICER SCHAEFFER: Yeah, the last page.

19 (Pause.)

20 HEARING OFFICER SCHAEFFER: I'm going to ask some
21 questions. What is a CAR agent, Angela Batista? It's on the
22 right side of the second sentence. It says CAR agent, I'm
23 sorry, Arlene Batista.

24 THE WITNESS: The CAR agent is a customer service
25 assistant rep that's an American Airlines employee, that works

1 alongside with our employee at C-39 podium where the busing
2 takes place.

3 HEARING OFFICER SCHAEFFER: How frequently are your
4 employees -- what he's describing here is an incident or I
5 guess at some point a Prime Flight employee, Yina Urena, and an
6 American Airlines employee, Arlene Batista, have an issue and
7 go to John Rock --

8 THE WITNESS: Correct.

9 HEARING OFFICER SCHAEFFER: -- about the issue.

10 THE WITNESS: Correct.

11 HEARING OFFICER SCHAEFFER: How frequently are your
12 employees going to American Airlines people for I guess Mr.
13 Rock or anyone else for instruction or to address an issue?

14 THE WITNESS: This is one of the only positions to the
15 best of my knowledge where we have one of theirs, an American
16 Airlines employee, and one of our employees working side by
17 side.

18 HEARING OFFICER SCHAEFFER: It's limited to this
19 particular job.

20 THE WITNESS: Correct, yes.

21 HEARING OFFICER SCHAEFFER: Is it common for -- what Mr.
22 Rock is describing here, I guess there was an issue and he
23 requests from a supervisor that the employee stay so he could
24 question her about what happened.

25 THE WITNESS: Correct.

1 HEARING OFFICER SCHAEFFER: Is that something that
2 frequently happens to your knowledge?

3 THE WITNESS: It doesn't happen frequently something like
4 this, which was pretty serious.

5 HEARING OFFICER SCHAEFFER: Why was this serious, just so
6 that I understand?

7 THE WITNESS: It was serious because there were
8 approximately -- I think there was 20 passengers waiting to go
9 from Terminal C to Terminal B. And because of the failure, all
10 those people or most of those people missed their flight, their
11 connecting flight out of the other terminal.

12 HEARING OFFICER SCHAEFFER: So that's going to be a big
13 deal because it's 20 people.

14 THE WITNESS: A huge deal, a huge deal.

15 HEARING OFFICER SCHAEFFER: That's the type of situation
16 that would warrant Mr. Rock speaking directly to one of your
17 employees?

18 THE WITNESS: Yes, and reaching out to me.

19 HEARING OFFICER SCHAEFFER: Do you know if he does that --
20 do you recall any other situations in which Mr. Rock has spoken
21 directly to Prime Flight employees about their job performance?

22 THE WITNESS: Our employees, you know, we interact very
23 closely with American, but on something of a serious nature
24 they immediately come to me.

25 HEARING OFFICER SCHAEFFER: I don't have any other

1 questions.

2 MR. BIRCHFIELD: No further questions.

3 MR. GARREN: None.

4 HEARING OFFICER SCHAEFFER: Okay. Thank you very much.

5 THE WITNESS: Thank you.

6 (Witness excused.)

7 HEARING OFFICER SCHAEFFER: We'll take just a two minute
8 break.

9 (Off the record from 3:55 p.m. to 4:07 p.m.)

10 HEARING OFFICER SCHAEFFER: On the record.

11 MR. BIRCHFIELD: Call Rodrigo Calapaqui.

12 HEARING OFFICER SCHAEFFER: Mr. Calapaqui, could you
13 please spell your last name for the court reporter?

14 THE WITNESS: Yes, I can, C-A-L-A-P-A-Q-U-I.

15 COURT REPORTER: Thank you very much.

16 HEARING OFFICER SCHAEFFER: And your first name is
17 Rodrigo?

18 THE WITNESS: Yes, that's correct.

19 HEARING OFFICER SCHAEFFER: Why don't you spell that just
20 so we know?

21 THE WITNESS: R-O-D-R-I-G-O.

22 COURT REPORTER: Thank you very much.

23 THE WITNESS: You're welcome.

24 (Whereupon,

25 RODRIGO CALAPAQUI,

1 was called as a witness by and on behalf of the Employer, and
2 after having been duly sworn was examined and testified as
3 follows:)

4 HEARING OFFICER SCHAEFFER: Go ahead, Mr. Birchfield.

5 DIRECT EXAMINATION

6 BY MR. BIRCHFIELD:

7 Q Mr. Calapaqui, can you tell us what your job title is?

8 A I'm the assistant manager.

9 Q For Prime Flight?

10 A Yes, I am.

11 Q What are your responsibilities in that job?

12 A Overseeing Concourse A and B, that's my priority, but I
13 also assist my manager in any type of operation needs,
14 financials also.

15 Q Concourse A and B?

16 A Being our clients, kind of like Jet Blue, Southwest,
17 Spirit, and Frontier.

18 Q Is that all, that's all on one terminal?

19 A That is at Terminal B.

20 MR. BIRCHFIELD: This will be Employer's 16.

21 (Employer's E-16 identified.)

22 HEARING OFFICER SCHAEFFER: I'm marking as Employer's 16,
23 a document, subject line on the top emails, belt, B-E-L-T.

24 BY MR. BIRCHFIELD:

25 Q Mr. Calapaqui, do you recognize this document?

1 A Yes, I do.

2 Q Can you tell us what it is?

3 A It's an email from Atul. Atul is the Spirit manager. He
4 is requesting additional staffing through Thursday.

5 Q I see a date at the top of December 13, 2016. Is that
6 your recollection?

7 A Yes.

8 Q Did you do anything in response to these emails? What was
9 your response to this?

10 A My response is to provide with additional staffing.

11 Q Do you remember what was causing the need for this or how
12 that played out in terms of what you provided to them?

13 A The belt system was not available. We use a belt system,
14 a belt baggage system to bring the baggage from the ticket
15 counter to the ramp site. The belt system was not available.
16 Therefore, Atul requested additional staffing so we could move
17 those bags downstairs.

18 Q How frequently do you work with -- is it Kumria, is that
19 the last name?

20 A Kumria, yes, daily.

21 Q You work with him daily?

22 A Yes.

23 Q What types of issues do you work with him on?

24 A All type of issues, operational issues.

25 Q That would include like this email relates to staffing?

1 A That is correct.

2 Q What other operational issues do you work with him on?

3 A It could be wheelchairs, wheelchair issues, maybe we need
4 additional wheelchairs at any particular time. Maybe there is
5 a complaint, like a wheelchair complaint, that would require
6 investigation.

7 Q Mr. Kumria works for Spirit Airlines?

8 A That is correct.

9 Q Do you have similar relationships in other airlines?

10 A Yes, I do.

11 Q Who would those be with? Can you think of any examples?

12 A Southwest. The general manager is Tony Mims. Jet Blue.
13 The general manager is Monica.

14 Q Are those interactions, is it along the same lines of what
15 you have with Mr. Kumria?

16 A Yes, it is.

17 HEARING OFFICER SCHAEFFER: That was one was Monica?

18 THE WITNESS: Monica.

19 HEARING OFFICER SCHAEFFER: So M-O-N-I-C-A. And the other
20 person is?

21 THE WITNESS: Tony.

22 HEARING OFFICER SCHAEFFER: Tony. What was his last name?

23 THE WITNESS: Mims.

24 HEARING OFFICER SCHAEFFER: Mintz, M-I-N-T-Z?

25 THE WITNESS: M-I-M-S.

1 HEARING OFFICER SCHAEFFER: M-I-M-S.

2 COURT REPORTER: Thank you very much.

3 HEARING OFFICER SCHAEFFER: And Atul Kumria's name is

4 A-T-U-L, K-U-M-R-I-A, that's on the email.

5 COURT REPORTER: Thank you.

6 HEARING OFFICER SCHAEFFER: Go ahead.

7 BY MR. BIRCHFIELD:

8 Q This request from Mr. Kumria, is this out of the ordinary,
9 something unusual?

10 A It happens very often.

11 Q Like how often do you think?

12 A Once every two weeks and, of course, on holidays.

13 HEARING OFFICER SCHAEFFER: Like around the holidays, not
14 on the holidays?

15 THE WITNESS: Yes, that's correct, Your Honor.

16 MR. BIRCHFIELD: I'll offer Employer's 16 into evidence.

17 HEARING OFFICER SCHAEFFER: Any objection?

18 MR. GARREN: No.

19 HEARING OFFICER SCHAEFFER: Employer's 16 is received in
20 evidence.

21 (Employer's E-16 received.)

22 MR. BIRCHFIELD: This will be Employer's 17.

23 (Employer's E-17 identified.)

24 HEARING OFFICER SCHAEFFER: Employer's 17 is an email, the
25 subject line is Saturday, December 24, 2016. It's marked as

1 Employer's 17. Go ahead, Mr. Birchfield.

2 BY MR. BIRCHFIELD:

3 Q Mr. Calapaqui, have you seen this document before?

4 A Yes, I have.

5 Q Can you tell us what it is?

6 A We gave a daily briefing, a daily summary of our
7 operations. We shared a summary with our managers, with the
8 airline managers. So this is basically describing how the
9 operation went in the morning.

10 Q I see that this involved Mr. Kumria again.

11 A Yes.

12 Q Do you provide this type of update to anybody else?

13 A Yes, also to Tony for Southwest.

14 Q And, I'm sorry, did you say this is something that's done
15 every day?

16 A Every day. It is done twice a day, in the morning and
17 then in the afternoon/evening.

18 Q Why do you do that?

19 A So we can all be on the same page, so we all know what's
20 going on. If it is something that the afternoon needs to know
21 from the morning then they will read this and they will know of
22 what they need to be prepared, so they can be prepared for any
23 issue. Maybe the belt system is down, so by getting this email
24 saying the belt system is down they'll know and they'll be
25 prepared for the afternoon shift.

1 MR. BIRCHFIELD: Offer Employer's 17 into evidence.

2 HEARING OFFICER SCHAEFFER: Are you -- sorry, who is
3 Charlie?

4 THE WITNESS: One of our supervisors.

5 HEARING OFFICER SCHAEFFER: So this is something that's
6 sent at your direction?

7 THE WITNESS: That is correct.

8 HEARING OFFICER SCHAEFFER: Okay. He's like
9 authenticating I guess the document. Any objection? Let the
10 record reflect Brent shook his head. I'm going to receive
11 Employer's 17 into evidence.

12 (Employer's E-17 received.)

13 MR. BIRCHFIELD: Here's 18.

14 (Employer's E-18 identified.)

15 HEARING OFFICER SCHAEFFER: Employer 18 is a document, the
16 subject line is re: Flight 921. Go ahead, Mr. Birchfield.

17 BY MR. BIRCHFIELD:

18 Q Mr. Calapaqui, have you seen this document before?

19 A Yes, I have.

20 Q Can you tell us what it is?

21 A It's a request to meet a passenger, a wheelchair
22 passenger, Mr. Arnold.

23 Q Who is Jacqueline Hughes?

24 A I'm sorry, say that again?

25 Q Who is Jacqueline Hughes? I see that that person seems to

1 have sent the first email in the chain.

2 A Jacqueline Hughes is one of the supervisors for Spirit.

3 Q Now was this something that was -- was this a negative
4 interaction with her for you?

5 A It was a challenging situation. Mr. Arnold was over
6 350 pounds and he couldn't be -- he couldn't move his body, so
7 it was very challenging. When he flew, I believe, out of
8 LaGuardia, we didn't have enough time to provide the correct
9 service. So basically this is a heads-up that he is coming
10 back and for us to be ready.

11 Q This interaction with Spirit, again, is this something
12 that's out of the ordinary for you or is this -- would you
13 refer to this as a special project?

14 A No, not necessarily. We have special situations like this
15 very often.

16 Q Like how often do you think?

17 A This particular situation, at least once a month.

18 MR. BIRCHFIELD: I'll offer Employer's 18 into evidence.

19 MR. GARREN: No objection.

20 HEARING OFFICER SCHAEFFER: Can we go off the record for
21 just one second?

22 (Off the record from 4:17 p.m. to 4:18 p.m.)

23 HEARING OFFICER SCHAEFFER: Employer 18 is received in
24 evidence.

25 (Employer's E-18 received.)

1 MR. BIRCHFIELD: This will be 19.

2 HEARING OFFICER SCHAEFFER: Employer 19 is an email. The
3 subject line is winter storm, 3/14/17.

4 (Employer's E-19 identified.)

5 BY MR. BIRCHFIELD:

6 Q Mr. Calapaqui, do you recognize this document?

7 A Yes, I have.

8 Q Can you tell us what it is?

9 A It's a communication between Tony Mims, the manager from
10 Southwest, and myself.

11 Q You mentioned Tony Mims before. What is his position?

12 A He is the general manager for Southwest.

13 Q You initiated this email?

14 A That is correct.

15 Q Is that something that's part of your ordinary job
16 responsibilities?

17 A Yes, it is.

18 Q How frequently would you say you do that?

19 A Daily.

20 Q Just with Mr. Mims or with other people as well?

21 A With other people as well.

22 Q Earlier, you mentioned managers at other carriers that you
23 interact with. Is that a similar situation with this?

24 A Yes, it is.

25 Q His response, can you sort of interpret that for us,

1 Monday, no terminators, what does that mean?

2 A No flights. What we do is we clean planes overnight, so
3 no terminators means that we're not going to have no aircrafts
4 on the ground that night so we're not going to have no planes
5 to clean that night.

6 Q What about Tuesday, no originators, no turns and no terms.

7 A Because there's no planes overnight, there is not going to
8 be no flights in the morning.

9 Q And then --

10 HEARING OFFICER SCHAEFFER: So essentially Tuesday there
11 were no planes leaving, no planes, no turns.

12 THE WITNESS: Yeah, no turns and no turns, that's correct.
13 Tuesday was --

14 HEARING OFFICER SCHAEFFER: Turnaround means -- I'm sorry,
15 turns means like it's coming into LaGuardia and then leaving?

16 THE WITNESS: That is correct.

17 HEARING OFFICER SCHAEFFER: And a terms is terminating?

18 THE WITNESS: That's right, it stays at the airport.

19 HEARING OFFICER SCHAEFFER: So, Tuesday, yeah, that was
20 the day the storm happened.

21 THE WITNESS: That was the day of the storm. There was no
22 flights coming in or coming out.

23 HEARING OFFICER SCHAEFFER: Okay.

24 MR. BIRCHFIELD: I'll offer Employer's 19 into evidence.

25 HEARING OFFICER SCHAEFFER: No objection?

1 MR. GARREN: No objection.

2 HEARING OFFICER SCHAEFFER: Employer 19 is received.

3 (Employer's E-19 received.)

4 HEARING OFFICER SCHAEFFER: While we're on this subject,
5 so what did you do in terms of staffing when this happened?

6 THE WITNESS: Tuesday, nobody came to work for that
7 particular contract because there was no planes on the ground.
8 We have a support group of basically managers and supervisors
9 at the airport just in case something happens. Passengers
10 always show up. But the majority of the employees, they were
11 asked to stay home.

12 HEARING OFFICER SCHAEFFER: Were they paid for those days?

13 THE WITNESS: No, unless they have PTO.

14 HEARING OFFICER SCHAEFFER: Paid time off.

15 THE WITNESS: That's correct.

16 HEARING OFFICER SCHAEFFER: Okay. So Employer 19 is
17 received.

18 MR. BIRCHFIELD: This will be Employer's 20.

19 (Employer's E-20 identified.)

20 HEARING OFFICER SCHAEFFER: Employer 20 is -- I guess it
21 looks like an email, subject line a.m. station leadership
22 breakfast at 9:30. Okay, whenever you're ready.

23 BY MR. BIRCHFIELD:

24 Q Mr. Calapaqui, do you recall this document?

25 A Yes, I do.

1 Q Can you tell us what it is?

2 A It's an invitation for our station training.

3 Q I see that you received this document it looks like
4 earlier this month, is that correct?

5 A That is correct.

6 Q What is this email in reference to?

7 A Basically, briefings, briefings in the morning. It's a 45
8 minute briefing and as you can see at the bottom it says Prime
9 Flight. We are in charge of the wheelchair staff, the curbside
10 skycaps, and wheelchairs. That is our -- what we are going to
11 concentrate on in this particular briefing.

12 Q I see there is a reference to this briefing being
13 conducted daily?

14 A That is correct.

15 Q Do you go to that every day?

16 A As much as I can. If I can't go, I send a supervisor.

17 Q Is it fair to say there is a Prime Flight representative
18 there every day?

19 A Every day.

20 Q Then there's a long list of -- are these discussion
21 points?

22 A Yes.

23 Q What is your job responsibility in that meeting?

24 A My job responsibility is to talk about the wheelchair
25 staff, the curbside skycaps, and the wheelchairs, the operation

1 of the wheelchairs.

2 Q What type of information are you providing?

3 A They want to know how many wheelchairs we have in service.

4 They want to know if we have any issues with the baggage.

5 Usually, this is 9:45 in the morning, so the morning rush is

6 already over. They're wanting to know how we did, how the belt

7 system is holding, if there was any bags that were missed in

8 the morning shift, did we have any issues with any wheelchair

9 passengers, that kind of stuff.

10 Q Looking back at the first page, the bullet points at the

11 top, the first bullet point says the a.m. station leadership

12 briefing is conducted daily at 9:30. Do you see where I am on

13 the first bullet point?

14 A Yes.

15 Q Look down at Bullet 3. It says please note that this is a

16 briefing and not a meeting. Is there a different set of

17 meetings that happens in addition to this?

18 A Yes, there is.

19 Q What form does that take?

20 A Briefing is more kind of an open stage where everybody

21 could just contribute. Meetings are a little more formal.

22 Usually when I have a meeting, it is just with myself and Tony,

23 maybe another manager, instead of having all supervisors.

24 Sometimes we will have employees in these briefings.

25 Q How often do the meetings happen?

1 A I have once a week with Tony.

2 MR. BIRCHFIELD: Offer Employer 20 into evidence.

3 MR. GARREN: No objection.

4 HEARING OFFICER SCHAEFFER: The a.m., what does that stand
5 for, American? No, well, a.m., morning.

6 THE WITNESS: Morning.

7 HEARING OFFICER SCHAEFFER: Sorry. I'm going to receive
8 Employer 20 into evidence.

9 (Employer's E-20 received.)

10 HEARING OFFICER SCHAEFFER: Employer 21, an email with the
11 subject line Skycap 1 res update.

12 (Employer's E-21 identified.)

13 BY MR. BIRCHFIELD:

14 Q Mr. Calapaqui, do you recall receiving this?

15 A Yes, I do.

16 Q Who is Sharon Abraham-Klengler?

17 A She is the Southwest trainer.

18 Q Do you know what the purpose of this email was?

19 A Yeah. Southwest has a new software to check passengers.
20 And this is basically just giving us an update on what our
21 skycaps are able to do and not able to do.

22 Q Is that relating to their training or relating to their
23 daily job responsibilities?

24 A Both.

25 Q When it says skycaps will not be able to add any SSRs at

1 all, what does that mean?

2 A The skycaps are not able to add wheelchair passengers'
3 requests on their reservations. If a passenger comes and
4 doesn't have a wheelchair request on their reservation and they
5 want to add the reservation so there is a wheelchair waiting
6 for them on the other end, our skycaps are not able to do that.
7 They will have to go inside to the ticket counter and get an
8 agent for Southwest to do that.

9 Q And then the next bullet point, it says skycaps can do a
10 name correction and CM. What does that mean?

11 A I'm not sure what CM means. I believe it is the new
12 system that they are using now.

13 Q Do you know what ARD is?

14 A Again, it's a new software that they're using. It has to
15 do with the reservation and check-in software that they're
16 using now.

17 MR. BIRCHFIELD: I'll offer this into evidence.

18 HEARING OFFICER SCHAEFFER: Any objection?

19 MR. GARREN: No.

20 HEARING OFFICER SCHAEFFER: Okay. Employer 21 is
21 received.

22 (Employer's E-21 received.)

23 MR. BIRCHFIELD: This is 22.

24 (Employer's E-22 identified.)

25 HEARING OFFICER SCHAEFFER: Employer 22 is an email,

1 Skycap 1 -- or I guess skycaps, recap of procedures. Go ahead.

2 BY MR. BIRCHFIELD:

3 Q Mr. Calapaqui, do you recall receiving this email?

4 A Yes, I do.

5 Q This is again from Sharon Abraham-Klengler. What is this
6 in reference to?

7 A It goes back again to the skycaps. It has to do with the
8 new system. There is new updates and procedures that our
9 skycaps need to follow so she's just giving us a heads-up.

10 Q So just for efficiency, these bullet points relate to the
11 same thing you mentioned earlier?

12 A Yes.

13 Q New duties that they have under the new software?

14 A Yes, it has to do with the new software.

15 MR. BIRCHFIELD: I'll offer this into evidence.

16 HEARING OFFICER SCHAEFFER: How do you communicate this
17 information to the skycaps?

18 THE WITNESS: Well, we do the training. I have a trainer
19 onsite. What she does is she brings these points and we have
20 meetings with all skycaps, and we go through all these new
21 procedures that we have.

22 HEARING OFFICER SCHAEFFER: How frequently do you have
23 this, like I guess you got this on Friday, May 12th. When
24 would you have that meeting with the skycaps?

25 THE WITNESS: As soon as possible. This was May 12th, at

1 3:29 p.m. More likely we did it on Saturday.

2 HEARING OFFICER SCHAEFFER: Any objection to Employer 22?

3 MR. GARREN: No.

4 HEARING OFFICER SCHAEFFER: Employer 22 is received.

5 (Employer's E-22 received.)

6 MR. BIRCHFIELD: 23.

7 (Employer's E-23 identified.)

8 HEARING OFFICER SCHAEFFER: Employer 23 is an email with
9 the subject line NK-331 boarding passes. Whenever you're
10 ready.

11 BY MR. BIRCHFIELD:

12 Q Mr. Calapaqui, I see that you received this email, is that
13 correct?

14 A That is correct.

15 Q Looking at the very first email, who is Jose Alvarez?

16 A Supervisor for Spirit.

17 Q Do you know what this is in reference to, NK-331 boarding
18 passes?

19 A Yes. It has to do with a passenger, a wheelchair
20 passenger. It took some time to assist, therefore, there was a
21 10-minute delay I believe, or 5-minute delay on the aircraft
22 for Spirit.

23 Q Delay in their takeoff?

24 A Delay on their takeoff.

25 Q So Mr. Alvarez, initially, it doesn't appear that he sent

1 this to you.

2 A That is correct.

3 Q Then I guess after that it was forwarded to you by Mr.
4 Kumria?

5 A Yes. Jose sent that to his manager, Atul, and Atul sent
6 that to me.

7 Q And then what did you do?

8 A I opened an investigation and I shared the findings of my
9 investigation with Atul.

10 Q And just so I'm clear on what happened, it says -- Mr.
11 Kumria said that they took a five minute delay, but the first
12 bullet point in your email says the departure was delayed from
13 21:59 to 23:34.

14 A Correct.

15 Q Is that a 24-hour clock reference?

16 A That is a 24-hour clock. So the flight was already
17 delayed, if you look at the first email from Jose. It was
18 cancelled first and then it was reinstated 10 minutes later,
19 which created a problem, because all passengers were checked in
20 -- I'm sorry, this is not about a wheelchair, I apologize.
21 It's about the ticket checkers at the checkpoint. Yeah, it was
22 about the ticket checkers at the checkpoint.

23 Q So what did your investigation show?

24 A The investigation found out that our ticket checkers are
25 at the checkpoint until 8:30. This flight got delayed until

1 11:34. So my employees were not there when this incident
2 happened.

3 Q What caused the incident?

4 A Well, the flight got delayed. It was scheduled to depart
5 at 9:59, which is a time where my agents are there. My agents
6 are there until 8:30, so we were able to make sure the
7 passengers have the right boarding passes to go inside the
8 concourse. But because the flight got delayed all the way
9 until 11:34, my agents was already gone. They were home
10 already. So there was no one at the checkpoint to check
11 boarding passes. My suggestion to Atul was in a situation like
12 this they will have to let me know so I could ask my agents to
13 stay a little longer until the last flight.

14 Q And then looking at the top of the first page, this is the
15 last email that came from Mr. Kumria. What is he referring to
16 there?

17 A Okay. I believe Mr. Atul was a little confused about the
18 times because he's talking about changing shifts. There is no
19 other shift after 8:30.

20 Q Was he asking you to do something her?

21 A No. He was just giving us direction how to handle the
22 situation in the future.

23 MR. BIRCHFIELD: I'll offer Employer's 23 into evidence.

24 HEARING OFFICER SCHAEFFER: Any objection?

25 MR. GARREN: No.

1 HEARING OFFICER SCHAEFFER: Employer 23 is received.

2 (Employer's E-23 received.)

3 HEARING OFFICER SCHAEFFER: Employer 24, email concerning
4 resources on Presidents Day weekend.

5 (Employer's E-24 identified.)

6 BY MR. BIRCHFIELD:

7 Q Mr. Calapaqui, do you recall receiving this?

8 A Yes. Yes, I do.

9 Q Do you know what this document refers to?

10 A Yes, additional resource for the Presidents Day weekend
11 only.

12 Q What was your -- when you received this, what was your
13 understanding of your responsibility there?

14 A The need of additional baggage handlers and wheelchair
15 attendants to cover the operation on those days.

16 Q Did you take any action in response to this?

17 A Yes, I did. I came out with a schedule and I requested,
18 well, I asked for volunteers for overtime.

19 Q Then what happened?

20 A Our employees came and volunteered. What I did in this
21 case is I created a schedule and posted where they go clock in
22 and clock out with the cells empty so they could just write
23 their names down. And in one week, I just took it and no
24 problem with employees, their overtime was approved.

25 Q Do you know did those schedules actually happen?

1 A Yes.

2 Q So when the time came, you followed through on that?

3 A Yes.

4 Q Did you have any follow-up conversation with Mr. Mims
5 about it?

6 A On the weekly meeting.

7 Q What was that conversation?

8 A Everything went well, everything went well. And we decide
9 that every holiday we are going to continue doing something
10 like this, prepare the day before and the day after the holiday
11 just to make sure that we had the correct staffing to cover the
12 operation.

13 MR. BIRCHFIELD: I'll offer 24 into evidence.

14 MR. GARREN: No objection.

15 HEARING OFFICER SCHAEFFER: Okay. Without objection,
16 Employer 24 is admitted.

17 (Employer's E-24 received.)

18 HEARING OFFICER SCHAEFFER: Whenever you're ready.

19 (Employer's E-25 identified.)

20 BY MR. BIRCHFIELD:

21 Q Have you had a chance to look at that?

22 A Yes.

23 Q Do you recall receiving this?

24 A I received this from my trainer, Corea (ph.).

25 Q Do you know why she sent you this email?

1 A Yes. Just to give me the heads-up on the activity she
2 needs to do next.

3 Q I see below that there is an email from Tony Mims. Do you
4 know what was happening here?

5 A Yes. This is our employees that need to certify. Again,
6 every year we recertify our employees so Tony is just giving us
7 the heads-up the ID is about to expire, so we need to go into
8 their system and certify them again.

9 Q When you say certify, what does that mean?

10 A They have to make sure all the information is there and if
11 those employees are still working with us or we need to add new
12 employees.

13 Q Add them to what?

14 A Add them to their list, because this is they have an ID
15 number. We have to request ID numbers from Southwest for
16 certain positions and we just want to make sure that we're in
17 compliance, that all the employees that are working under the
18 Southwest contract have their numbers, have their ID numbers so
19 they could take lessons.

20 Q That last bit I want to follow-up on. Do you know why
21 they require them to have Southwest ID numbers?

22 A For training purposes.

23 Q And the ID number is associated with what?

24 A Actually, it's associated with our numbers, with our ID
25 numbers.

1 HEARING OFFICER SCHAEFFER: So are the employees going on
2 the Southwest website to do training? Is the number somehow
3 associated --

4 THE WITNESS: Correct.

5 HEARING OFFICER SCHAEFFER: -- with doing training?

6 THE WITNESS: Yes.

7 HEARING OFFICER SCHAEFFER: Through the Southwest --

8 THE WITNESS: Through the Southwest website, yes.

9 HEARING OFFICER SCHAEFFER: Okay.

10 MR. BIRCHFIELD: I'll offer 25 into evidence.

11 MR. GARREN: No objection.

12 HEARING OFFICER SCHAEFFER: 25 is received.

13 (Employer's E-25 received.)

14 MR. BIRCHFIELD: That's all I have for this witness.

15 CROSS-EXAMINATION

16 BY MR. GARREN:

17 Q Good afternoon.

18 A Good afternoon, sir.

19 Q Just a couple of questions. Referring back to
20 Employer 21, could the witness be shown that, please? No, I'm
21 sorry, that's not the one I meant. Anyway, never mind, don't
22 look at an exhibit. Southwest, Prime Flight supplies and
23 maintains the wheelchairs for Southwest?

24 A No.

25 Q There was something -- there was --

1 HEARING OFFICER SCHAEFFER: It's 15, the last page.

2 MR. GARREN: Employer 15?

3 HEARING OFFICER SCHAEFFER: Yeah.

4 MR. GARREN: Oh, no. Well, that's okay. That's not what
5 I had in mind.

6 BY MR. GARREN:

7 Q Which wheelchairs does Prime Flight supply, which
8 airlines?

9 A We supply for Air Canada, Spirit, Frontier.

10 Q Okay. And then you're responsible for maintaining those
11 wheelchairs?

12 A Yeah, we have a company that handles it.

13 Q Those wheelchairs are used interchangeably among those
14 airlines?

15 A That is correct.

16 Q If you need extra wheelchairs over at Spirit, you take
17 them over there?

18 A Our chairs? Yes.

19 Q Or if you need extra wheelchairs at Jet Blue, you take
20 them there?

21 A We will take wheelchairs to Jet Blue, yes.

22 HEARING OFFICER SCHAEFFER: Can I ask a question? Is that
23 part of the 80/20 sharing thing we heard about before? No?

24 MR. GARREN: I'm not sure that that actually -- the
25 testimony to me was not clear that that actually happens at

1 LaGuardia.

2 HEARING OFFICER SCHAEFFER: But to be clear, the witness
3 just said no, so, yeah.

4 MR. GARREN: All right, I have nothing further.

5 HEARING OFFICER SCHAEFFER: Okay. I don't have anything
6 else. So thank you very much.

7 THE WITNESS: Thank you very much.

8 HEARING OFFICER SCHAEFFER: Watch your step as you walk
9 around the other side.

10 (Witness excused.)

11 HEARING OFFICER SCHAEFFER: Do you want to put anybody on,
12 Mr. Garren?

13 MR. GARREN: Yes. Can we go off the record a minute?

14 HEARING OFFICER SCHAEFFER: Yes, let's go off the record.

15 (Off the record from 4:44 p.m. to 4:49 p.m.)

16 HEARING OFFICER SCHAEFFER: On the record.

17 MR. GARREN: What number are we at?

18 HEARING OFFICER SCHAEFFER: You are at --

19 COURT REPORTER: 6.

20 MR. GARREN: Okay. So Petitioner's 7 is a one-page -- oh,
21 we need 6, I'm sorry, so Petitioner's 6 is a one-page document
22 that is a transcript of two video marketing segments that are
23 on Prime Flight's -- on the web originating from Prime Flight
24 about the virtues of SynTrack, which we've discussed.

25 HEARING OFFICER SCHAEFFER: Is that what you were reading

1 from before?

2 MR. GARREN: Yes. This is what I was reading from before.
3 So this is Petitioner's 6.

4 (Petitioner's P-6 identified.)

5 MR. GARREN: And I'm moving for admission of all of these.
6 So then Petitioner's 7 is a multipage document that is called
7 Aircraft Appearance 101. It is available through the Prime
8 Flight website and discusses Prime Flight's approach to cabin
9 cleaning.

10 (Petitioner's P-7 identified.)

11 MR. GARREN: We're now on 8. Petitioner's 8 is a reprint
12 of a series of pages from the Prime Flight website. There is
13 hand-written markings, lines that are from the Union. They are
14 added to it where we thought the material was significant.

15 (Petitioner's P-8 identified.)

16 MR. GARREN: 9 is a U.S. Department of Transportation
17 advisory circular about foreign object debris program that
18 includes a training requirement applicable to cabin cleaners at
19 among other places LaGuardia.

20 (Petitioner's P-9 identified.)

21 HEARING OFFICER SCHAEFFER: Why do I need this?

22 MR. GARREN: Because it is, well, because we want to
23 establish, which we did through testimony on other aspects, but
24 did not establish this. That so much of the training that the
25 airlines are insisting be done is government required and we

1 believe the case law supports the argument that government
2 mandated training does not indicate airport airline control for
3 jurisdictional purposes. And that is all we have.

4 HEARING OFFICER SCHAEFFER: Any objection to P-6, 7, 8,
5 or 9?

6 MR. BIRCHFIELD: No objection.

7 HEARING OFFICER SCHAEFFER: P-6, 7, 8, and 9 are received
8 in evidence.

9 (Petitioner's P-6 through P-9 received.)

10 MR. GARREN: I'd like a few minutes before I -- I don't
11 think I'm going to call any other witnesses, but I need to
12 speak to people a moment.

13 HEARING OFFICER SCHAEFFER: Okay.

14 MR. GARREN: Should I go do that?

15 HEARING OFFICER SCHAEFFER: Yeah. Let's go off the
16 record.

17 (Off the record from 4:53 p.m. to 5:01 p.m.)

18 HEARING OFFICER SCHAEFFER: Can you spell your name for
19 the court reporter?

20 THE WITNESS: Michael, M-I-C-H-A-E-L, Vazquez, V-A-Z-Q-U-
21 E-Z.

22 COURT REPORTER: Thank you very much.

23 (Whereupon,

24 MICHAEL VAZQUEZ,

25 was called as a witness by and on behalf of the Petitioner, and

1 after having been duly sworn was examined and testified as
2 follows:)

3 HEARING OFFICER SCHAEFFER: Go ahead, Mr. Garren.

4 DIRECT EXAMINATION

5 BY MR. GARREN:

6 Q By whom are you employed, Mr. Vazquez?

7 A Prime Flight.

8 Q Where do you work?

9 A Terminal B, LaGuardia Airport.

10 Q What is your job?

11 A I have two positions. I do POS and skycap in the baggage
12 service area.

13 HEARING OFFICER SCHAEFFER: POS?

14 THE WITNESS: It's basically I'm at a post at the area
15 where the luggage comes off the carousels and we have to check
16 tags as they exit the area.

17 HEARING OFFICER SCHAEFFER: Okay.

18 BY MR. GARREN:

19 Q You say you also do skycap?

20 A I do skycap.

21 Q Explain what that is and is that different than skycap at
22 departure.

23 A The difference is I just don't do curbside check-in, but I
24 help -- I remove the luggage off the carousels and I help
25 people lift their luggage to and from their vehicles.

1 HEARING OFFICER SCHAEFFER: Make sure you let him finish
2 the question because he can't type over --

3 THE WITNESS: I'm sorry, sorry.

4 HEARING OFFICER SCHAEFFER: It's not a big deal.

5 BY MR. GARREN:

6 Q Have you ever received any training from an airline on how
7 to do your job?

8 A No.

9 Q What training have you received on how to do your job?

10 A No actual training. At orientation, they taught me how to
11 open and close a wheelchair, and then they gave me my clothes,
12 and that was it.

13 MR. GARREN: I have nothing further.

14 MR. BIRCHFIELD: No questions.

15 HEARING OFFICER SCHAEFFER: Okay.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 MR. GARREN: I'd like to call Norman Echeverri.

19 HEARING OFFICER SCHAEFFER: Okay. Hi, could you please
20 tell him your full -- first name is Norman?

21 THE WITNESS: Norman.

22 HEARING OFFICER SCHAEFFER: N-O-R-M-A-N?

23 THE WITNESS: Yes.

24 HEARING OFFICER SCHAEFFER: And could you spell your last
25 name for me?

1 THE WITNESS: E-C-H-E-V, as in Victor, E-R-R-I.

2 COURT REPORTER: Thank you very much.

3 HEARING OFFICER SCHAEFFER: Echeverri?

4 THE WITNESS: You got it, correct.

5 HEARING OFFICER SCHAEFFER: Got it.

6 MR. GARREN: Mr. Echeverri --

7 HEARING OFFICER SCHAEFFER: Hang on one second.

8 (Whereupon,

9 NORMAN ECHEVERRI,

10 was called as a witness by and on behalf of the Petitioner, and
11 after having been duly sworn was examined and testified as
12 follows:)

13 DIRECT EXAMINATION

14 BY MR. GARREN:

15 Q Mr. Echeverri, by whom are you employed?

16 A I work for Prime Flight.

17 Q Where do you work for them?

18 A I work in LaGuardia Airport, Terminal B, American
19 Airlines.

20 Q What is your job duty?

21 A My job duty is wheelchair attendant.

22 Q Have you ever received any training from the airline?

23 A No.

24 MR. GARREN: That's all I have.

25 HEARING OFFICER SCHAEFFER: Okay.

1 THE WITNESS: That's it. Thank you -- oh, I'm sorry.

2 MR. BIRCHFIELD: No questions.

3 HEARING OFFICER SCHAEFFER: Okay, no questions for you.

4 So you're all set, thank you.

5 (Witness excused.)

6 MR. GARREN: I'd like to call David Soriano.

7 HEARING OFFICER SCHAEFFER: Could you please let him know
8 you first and last name?

9 THE WITNESS: David Enrique Soriano.

10 COURT REPORTER: Enrique is?

11 THE WITNESS: E-N-R-I-Q-U-E.

12 COURT REPORTER: And your last name?

13 THE WITNESS: Last name? S-O-R-I-A-N-O.

14 COURT REPORTER: Thank you very much.

15 HEARING OFFICER SCHAEFFER: Does Enrique have an S on the
16 end or is it just --

17 THE WITNESS: No.

18 HEARING OFFICER SCHAEFFER: No, okay. Got it.

19 (Whereupon,

20 DAVID SORIANO,

21 was called as a witness by and on behalf of the Petitioner, and
22 after having been duly sworn was examined and testified as
23 follows:)

24 HEARING OFFICER SCHAEFFER: Go ahead, Mr. Garren.

25 MR. GARREN: Excuse me just a minute.

1 HEARING OFFICER SCHAEFFER: Sure.

2 DIRECT EXAMINATION

3 BY MR. GARREN:

4 Q Mr. Soriano, you heard the testimony here earlier today?

5 A Yes, sir.

6 Q Was there testimony concerning the uniforms for the
7 wayfinders?

8 A I do.

9 Q Can you tell us did you work as a wayfinder?

10 A I was taking turns to do wayfinders. Whenever somebody
11 takes a break, I was called in to do wayfinders for either 20
12 or 30 minutes until the original wayfinder returns from their
13 lunch break to their position.

14 Q What was the uniform worn by the wayfinder?

15 A It was usually a Prime Flight Aviation uniform.

16 Q Did that uniform have a logo?

17 A Yes, it did.

18 Q What was the logo?

19 A Prime Flight Aviation Service on the left side of the
20 chest. The right side said safety first.

21 Q Okay. Now was there ever a time in which an airline asked
22 to have you removed from an account?

23 A Not that I'm aware of.

24 MR. GARREN: All right, that's all I have.

25 HEARING OFFICER SCHAEFFER: Go ahead.

1 CROSS-EXAMINATION

2 BY MR. BIRCHFIELD:

3 Q Mr. Soriano, if I followed correctly, you were filling in
4 for someone as a wayfinder?

5 A Yes. I was called by my supervisor.

6 Q How many occasions?

7 A A few times.

8 Q How long ago was this?

9 A This was during my time last year at Terminal C.

10 Q So it was Terminal C. Over how long a period of time did
11 this happen?

12 A I will say mostly in the mornings, once a morning every
13 day.

14 Q And you said it was a few times?

15 A Yes, a few times.

16 Q What airline was that for?

17 A At the time, U.S. Airways, which was later became
18 American.

19 HEARING OFFICER SCHAEFFER: What did you do the rest of
20 the time?

21 THE WITNESS: At the time that I was working at
22 Terminal C, I was a wheelchair attendant.

23 HEARING OFFICER SCHAEFFER: You said that usually the
24 employee or --

25 THE WITNESS: The original wayfinder.

1 HEARING OFFICER SCHAEFFER: The original wayfinder maybe
2 wasn't wearing the -- was wearing a Prime Flight clothes.

3 THE WITNESS: Yeah, he was.

4 HEARING OFFICER SCHAEFFER: Was there ever at time when
5 they were wearing I guess American Airlines or U.S. Airways
6 shirts?

7 THE WITNESS: The yellow, it's mostly the yellow vests
8 with American Airlines logo in the back.

9 HEARING OFFICER SCHAEFFER: So wayfarers (sic) wear a
10 yellow vest?

11 THE WITNESS: Wear those vests.

12 HEARING OFFICER SCHAEFFER: But that says American
13 Airlines on it?

14 THE WITNESS: That says American Airlines.

15 HEARING OFFICER SCHAEFFER: Would you put one of them on
16 when you were a wayfarer?

17 THE WITNESS: They gave me one, yes.

18 HEARING OFFICER SCHAEFFER: Okay. Any other questions?

19 MR. BIRCHFIELD: Nothing further.

20 HEARING OFFICER SCHAEFFER: Okay, you're free to go.
21 Thank you.

22 (Witness excused.)

23 MR. GARREN: I call Loise Joseph.

24 HEARING OFFICER SCHAEFFER: Ms. Joseph, could you please
25 spell your first and last name for the court reporter?

1 THE WITNESS: Loise, L-O-I-S-E, Joseph, J-O-S-E-P-H.

2 COURT REPORTER: Thank you very much.

3 (Whereupon,

4 LOISE JOSEPH,

5 was called as a witness by and on behalf of the Petitioner, and

6 after having been duly sworn was examined and testified as

7 follows:)

8 HEARING OFFICER SCHAEFFER: Mr. Garren?

9 DIRECT EXAMINATION

10 BY MR. GARREN:

11 Q Ms. Joseph, by whom are you employed?

12 A Prime Flight Aviation.

13 Q Where do you work for them?

14 A I work at Terminal B as a wayfinder.

15 Q Have you ever received any training from an airline?

16 A No.

17 MR. GARREN: I have nothing further.

18 MR. BIRCHFIELD: No questions.

19 HEARING OFFICER SCHAEFFER: Okay, thank you.

20 THE WITNESS: Thank you.

21 (Witness excused.)

22 MR. GARREN: I'd like to call Luz Calaballo.

23 HEARING OFFICER SCHAEFFER: Hi. Could you spell your name
24 for him, first and last?

25 THE WITNESS: Yes, C-A-R-A-B (sic), like boy, A-L-L-O.

1 HEARING OFFICER SCHAEFFER: Say it --

2 THE WITNESS: C-A-L-A-B-A-L-L-O, first name L-U-Z, like
3 zebra.

4 HEARING OFFICER SCHAEFFER: Okay, hold on one second.

5 C-A-L-A --

6 THE WITNESS: Yeah.

7 HEARING OFFICER SCHAEFFER: B?

8 THE WITNESS: B like boy, yeah. A-L-L-O.

9 HEARING OFFICER SCHAEFFER: Okay. And first name is?

10 THE WITNESS: L-U-Z.

11 HEARING OFFICER SCHAEFFER: L-U-Z, so first name Luz.

12 COURT REPORTER: Thank you very much.

13 (Whereupon,

14 LUZ CALABALLO,

15 was called as a witness by and on behalf of the Petitioner, and
16 after having been duly sworn was examined and testified as
17 follows:)

18 HEARING OFFICER SCHAEFFER: Mr. Garren?

19 DIRECT EXAMINATION

20 BY MR. GARREN:

21 Q Ms. Calaballo, by whom are you employed?

22 A Eight years.

23 Q By whom, what company?

24 A Oh, Prime Flight, Prime Flight.

25 Q Where do you work for them?

1 A A wheelchair attendant.

2 Q What airport?

3 A Terminal B, American Airlines.

4 Q This is at LaGuardia?

5 A LaGuardia Airport, Queens.

6 Q Have you ever received training from the airline?

7 A Never.

8 MR. GARREN: I have nothing further.

9 MR. BIRCHFIELD: No questions.

10 HEARING OFFICER SCHAEFFER: Okay.

11 MR. GARREN: Thank you.

12 (Witness excused.)

13 HEARING OFFICER SCHAEFFER: Brent, do we need more of
14 this?

15 MR. GARREN: No. I don't think so. We have plenty more
16 but we don't want to be cumulative so we will not.

17 HEARING OFFICER SCHAEFFER: Okay.

18 MR. GARREN: And I rest. And I need my rest.

19 HEARING OFFICER SCHAEFFER: All right. So there's no more
20 witnesses. I just want to -- I think all the documents that
21 were marked have been entered into evidence. This is a matter
22 of housekeeping. So the, okay, in terms of election dates, I
23 just want to go over some of this stuff. I don't know how long
24 a decision is going to take so this might not be relevant if a
25 decision isn't -- depending on how long it takes to write the

1 decision.

2 But in the statement of position, the Employer offered
3 June 14th and the Petitioner had requested -- is there a day of
4 the week that is best for everyone? Thursday?

5 MR. GARREN: Thursday is payday. Isn't that when most
6 people are aboard?

7 (Pause.)

8 HEARING OFFICER SCHAEFFER: June 14th is a -- I don't
9 think this decision is going to -- I have no idea how long the
10 decision is going to take to write, but I'm just trying to pin
11 down like a day of the week and if we have a location.

12 MR. BARRY: Potentially if it's needed.

13 HEARING OFFICER SCHAEFFER: Yeah. Yes, I mean literally
14 we just need it -- it's an in case a decision is directed. I'm
15 not predicting anything here.

16 Mr. BARRY: The location and the times are going to be the
17 real ones to focus on because we're spanning two separate
18 terminals and we're spanning with no direct access other than
19 through busing. And then you've got a 24-hour a day operation
20 for staffing that we have to cover both overnight shifts for
21 cleaning and the daytime operation. So give us some time to
22 think about that.

23 HEARING OFFICER SCHAEFFER: So we'll table this for now.
24 I want the record to reflect that Thursdays are payroll or the
25 day that paychecks are distributed? No?

1 UNIDENTIFIED SPEAKER: Well, Thursday night.

2 HEARING OFFICER SCHAEFFER: Yes. So Thursday night is
3 when paychecks are distributed. And the Employer's -- we'll
4 ask in the event that a DD&E is issued, a decision and
5 direction of election is issues, just be prepared to send us,
6 we may get in touch --

7 MR. GARREN: It's supposed to be part of the record now
8 because the DD&E is supposed to include the election details.

9 HEARING OFFICER SCHAEFFER: Yes.

10 MR. GARREN: So we need to discuss this now.

11 HEARING OFFICER SCHAEFFER: All right. If it's dependent
12 on the date -- I'm responding to something that was just said
13 which is that it's going to depend on the date that we direct
14 the election.

15 MR. GARREN: I understand that, but we need to talk about
16 the hours and we need to talk about locations.

17 HEARING OFFICER SCHAEFFER: Okay. Let's go off the record
18 for one second.

19 (Off the record from 5:15 p.m. to 5:21 p.m.)

20 COURT REPORTER: We're on.

21 HEARING OFFICER SCHAEFFER: After discussions with the
22 parties, we are in agreement that a Thursday would be the best
23 day, in all likelihood Thursday because it's payday, may be the
24 best day to hold the election. The election times that have
25 been proposed by the Union are 5:00 a.m. to 11:00 a.m., and

1 12:00 p.m. to 6:00 p.m. We are tentatively agreeing on that,
2 but the Employer may get in touch with us if they think that
3 more time is needed to capture more shifts.

4 And tentatively the Employer has agreed to work to find
5 locations at Terminal B and Terminal C, so it will be at two
6 separate locations. We'll have simultaneous voting at both
7 locations provided we'll get enough board agents for this.

8 And it will be a manual election. The parties have
9 requested that we provide ballots in English and Spanish.

10 Mr. Birchfield, in the event that we need a person onsite
11 to contact, would that continue to be you or is there a person
12 onsite that we should get in touch with?

13 MR. BIRCHFIELD: Probably me, yeah, let it come through
14 me. I can get Matt very quickly.

15 HEARING OFFICER SCHAEFFER: Okay. I have to read this
16 long thing here. The regional director will issue a decision
17 in this matter as soon as practical and will immediately
18 transmit the documents to the parties and their designated
19 representatives by email, facsimile, or by overnight mail if
20 neither an email address nor facsimile number is provided. It
21 will likely come from email.

22 If an election is directed, the Employer must provide the
23 voter list. The voter list is going to have to comply with the
24 voter list requirements as outlined in documents that were
25 distributed as part of Board Exhibit 1, including -- so that

1 the instructions include all the stuff about Microsoft Word, in
2 10-point font, and providing it in that format.

3 The list must include full names, work locations, shifts,
4 job classifications, contact information, including home
5 addresses, available personnel email addresses, and available
6 home and personal cellular telephone numbers of all eligible
7 voters.

8 The regional director has concluded that briefs may be
9 filed. Well, they're not briefs. So the regional director has
10 concluded that memos of points and authority may be filed.
11 They are going to be 10 pages and maybe limited to legal
12 analysis of the jurisdiction issue only. The briefs will be
13 due by close of business, which is 5:00 -- I'm going to say
14 5:30 p.m. on May 30th, which is next Tuesday, May 30th. I
15 know, you'll have all day tomorrow.

16 MR. GARREN: Okay, it's not Wednesday?

17 HEARING OFFICER SCHAEFFER: Hold on.

18 MR. GARREN: Anyway --

19 HEARING OFFICER SCHAEFFER: Yeah, she said one week from
20 today or one week from the day it closes.

21 MR. GARREN: And that day we decided was the 30th?

22 HEARING OFFICER SCHAEFFER: Yeah. The briefs may be filed
23 by email -- by efilings on the Board's website, by regular mail,
24 or by hand delivery, but may not be filed by fax. I don't
25 think that's going to be a problem.

1 MR. BIRCHFIELD: So it's efile is okay, but it has to be
2 by 5:30.

3 HEARING OFFICER SCHAEFFER: Yes. Do you want me to run
4 it --

5 MR. GARREN: No. Just usually if you're efilng it's by
6 midnight, so I'm a little surprised you're saying it's close of
7 business.

8 HEARING OFFICER SCHAEFFER: All right, midnight.

9 MR. GARREN: Oh, it is midnight.

10 HEARING OFFICER SCHAEFFER: No. I'll make it midnight.

11 MR. GARREN: Whoa.

12 MR. BIRCHFIELD: I mean, look, I'm not fan of working on
13 stuff until midnight, but it's the day after a holiday weekend
14 so I'll take it.

15 HEARING OFFICER SCHAEFFER: So we'll do efile by midnight.
16 If you're efilng, you can do by midnight. Just make sure you
17 serve copies on each other.

18 The parties are reminded if you want an expedited copy of
19 the transcript from the court reporter, talk to him. Late
20 receipt of transcripts is not grounds for an extension of time
21 for the post-hearing memos of points and authority.

22 If there is nothing further --

23 MR. BIRCHFIELD: Ten pages, double-spaced I assume? We
24 can't cheat and do single spacing.

25 HEARING OFFICER SCHAEFFER: No, I guess not.

1 MR. BIRCHFIELD: One-inch margins.

2 HEARING OFFICER SCHAEFFER: Yeah. All right, so nothing
3 further, the hearing is closed. And I'm hearing nothing else
4 so the hearing is now closed.

5 (Whereupon, at 5:27 p.m., the hearing in the
6 above-entitled matter was closed.)

7

1

C E R T I F I C A T E

This is to certify that the attached proceedings done before
the NATIONAL LABOR RELATIONS BOARD REGION 29

In the Matter of:

PRIME FLIGHT AVIATION SERVICES, INC.,

Employer,

And

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 32BJ,

Petitioner.

Case No.: 29-RC-198504

Date: May 23, 2017

Place: Brooklyn, NY

Were held as therein appears, and that this is the original
transcript thereof for the files of the Board

Official Reporter

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